

Barrow  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Blumenauer  
Boswell  
Boucher  
Boyd (KS)  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson  
Castor  
Chandler  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Costa  
Costello  
Courtney  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis, Lincoln  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly  
Doyle  
Edwards  
Ellison  
Ellsworth  
Emanuel  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Giffords  
Gillibrand  
Gonzalez  
Goode  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Hayes  
Herseht Sandlin

Higgins  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hookey  
Hoyer  
Inlee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick  
Cohen  
Klein (FL)  
Kucinich  
Langevin  
Larsen (WA)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lynch  
Maloney (NY)  
Markey  
Marshall  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNerney  
McNulty  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascrell

Pastor  
Paul  
Payne  
Pelosi  
Perlmutter  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tauscher  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Tsongas  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Wynn  
Yarmuth

## NAYS—195

Akin  
Alexander  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Bean  
Biggert  
Billray  
Bilirakis  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Boyd (FL)  
Brady (TX)  
Broun (GA)  
Brown (SC)

Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Coble  
Cole (OK)  
Conaway  
Cooper  
Cramer  
Crenshaw  
Cubin  
Cuellar  
Culberson  
Davis (KY)  
Davis, David

Davis, Tom  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett  
Fallin  
Feeney  
Flake  
Forbes  
Fortenberry  
Fossella  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)

Gerlach  
Gilchrest  
Gingrey  
Gohmert  
Goodlatte  
Graves  
Hall (TX)  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hill  
Hobson  
Hoekstra  
Hunter  
Inglis (SC)  
Issa  
Johnson (IL)  
Johnson, Sam  
Jordan  
Keller  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Knollenberg  
Kuhl (NY)  
LaHood  
Lamborn  
Lampson  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Mahoney (FL)

Manzullo  
Marchant  
Matheson  
McCarthy (CA)  
McCauley (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy, Tim  
Muggrave  
Myrick  
Neugebauer  
Nunes  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Regula  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Sali  
Saxton  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shays  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Tancred  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walberg  
Walden (OR)  
Walsh (NY)  
Wamp  
Weldon (FL)  
Weller  
Westmoreland  
Whitfield (KY)  
Wilson (NM)  
Wilson (SC)  
Wittman (VA)  
Wolf  
Young (AK)  
Young (FL)

## ANSWERED "PRESENT"—1

Tanner

## NOT VOTING—12

Andrews  
Bishop (NY)  
Bishop (UT)  
Burgess

Buyer  
Ferguson  
Granger  
Hulshof

Larson (CT)  
Ramstad  
Rush  
Sires

## □ 1347

Mr. PENCE changed his vote from "yea" to "nay."

Messrs. ORTIZ and ADERHOLT changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I regret that I was not present to vote on rollcall votes Nos. 178, 179, 180, and 181 due to a family medical matter. Had I been present, I would have voted:

"Yea" on rollcall vote No. 178 on the Journal vote; "yea" on rollcall vote No. 179 on agreeing to H. Res. 1083, providing for consideration of the bill H.R. 2537, Beach Protection Act of 2008; "yea" on rollcall vote No. 180 on the motion to suspend the rules and agree to H. Res. 1038, recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Nation; and "yea" on rollcall vote No. 181 on agreeing to H. Res. 1092, relating to the consideration of the bill H.R. 5274 to implement the United States-Colombia Trade Promotion Agreement.

## GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2537.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

## BEACH PROTECTION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 1083 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2537.

## □ 1404

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, with Ms. DEGETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 30 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in strong support of H.R. 2537, the Beach Protection Act of 2007. This legislation extends the authorization of appropriations for the Beaches Environmental Assessment and Coastal Health Act, the BEACH Act, through 2012. First signed into law in October 2000, the BEACH Act has provided States, local governments and tribes vital funding for assessment and public notification programs that monitor our coastal waters.

Over the years, the Subcommittee on Water Resources and Environment has held numerous hearings on EPA's BEACH program. In fact, the history of the BEACH Act goes back to 1990 when Congressman William Hughes of New Jersey first introduced the Beaches Environmental Assessment, Closure and Health Act of 1990. I applaud his vision for effective coastal water quality criteria and public notification, as well as the efforts of Congressman PALLONE and Congressman BISHOP, the primary sponsors of this legislation, to carry forward this legacy.

As reported by the Committee on Transportation and Infrastructure, the Beach Protection Act of 2007 increases the annual authorization level for State and local monitoring and notification grants by \$10 million and expands the eligible uses for grants under

this program. For example, H.R. 2735 allows States to utilize a portion of their BEACH grant funding to develop and implement pollution source identification and tracking programs for coastal recreation waters, which will enable interested States to locate the likely sources of coastal water contamination.

H.R. 2537 also encourages the development and implementation of rapid testing methods for determining where and when coastal recreational waters exceed coastal water quality criteria. These rapid testing methods are designed to ensure that the public is notified of potential harmful recreational waters within a few hours, rather than days as under the current system. This provision will have a significant impact on efforts to protect the public from coming into contact with potentially harmful pollutants and contaminants at their favorite beaches.

In addition, H.R. 2537 enhances existing public notification requirements, including making beach warnings and closures available on the Internet. The bill clarifies that the public must be notified within 24 hours of the authority receiving results of contaminated water quality samples. However, because many States utilize a system where two contaminated samples must be identified before a beach is closed, H.R. 2537 also requires that a physical sign must be posted at any beach where the results of a water quality sample demonstrate the likelihood that the water may be contaminated. Again, providing more information and notice on the condition of the Nation's coastal water quality is essential to ensure that the public can avoid contact with potentially harmful pollutants while visiting their favorite beach.

The bill also enhances EPA's review of individual States' compliance with the requirement of the BEACH Act by requiring the Administrator to conduct an annual review of implementation of the BEACH Act by State and local governments and to take corrective action if State and local governments are not in compliance with BEACH Act requirements. It also requires the Government Accountability Office to audit EPA's administration of the BEACH Act.

Finally, the bill requires EPA to conduct annual compliance reviews of State and local BEACH programs.

Later today I plan to offer a bipartisan manager's amendment to the bill to address several technical recommendations made by the Environmental Protection Agency and others that will improve the bill. I strongly urge my colleagues to support the manager's amendment and the underlying legislation that I believe will make significant improvement to EPA's BEACH program.

Much of our efforts are to provide additional safeguards for our families to make sure that they do not come into contact with potentially harmful pollutants and contaminants along the

Nation's coastlines. I believe this legislation accomplishes what we tried to do.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, I am very excited the House is moving H.R. 2537, the Beach Protection Act of 2007. This is an example of the good we can accomplish when we are able to work in a bipartisan manner to address the Nation's water resources needs.

Beaches are an important part of American life. Our Nation has nearly 23,000 miles of ocean and Gulf shoreline along the continental United States, 5,500 miles of Great Lakes shorelines and 3.6 million miles of rivers and streams. Beaches are an important part of the coastal watershed, providing numerous recreational opportunities for millions of people, including fishing, boating, beachcombing, swimming, surfing, sunbathing and bird watching.

Each year, over 180 million people visit coastal waters for recreational purposes. This activity supports over 28 million jobs and leads to the investment of over \$50 billion each year in goods and services. Public confidence in the quality of our Nation's water is important, not only to each citizen who swims, but also to the tourism and recreation industries that rely on safe and swimmable coastal waters.

To improve the public's confidence in the quality of our Nation's coastal waters and protect public health and safety, Congress passed the Beaches Environmental Assessment and Coastal Health Act of 2000, commonly called the BEACH Act in the 106th Congress.

The BEACH Act aimed to limit and prevent human exposure to polluted coastal recreational waters by assisting States and local communities to implement beach monitoring, assessment and public notification programs. The act also called on States with coastal recreational waters to adopt pathogen-related water quality standards and directed EPA to conduct research and develop updated water quality criteria to protect human health. Under the BEACH Act, EPA 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.

An important indicator of progress to date is the fact that all eligible States are now implementing the beach monitoring assessment and public notification provisions of the BEACH Act. The number of monitored beaches has increased from approximately 1,000 in 1997 to more than 3,500 in 2006.

In addition, EPA has strengthened water quality standards throughout all the coastal recreation waters in the United States. All 35 States and territories with coastal recreation waters now have water quality standards as

protective of human health as EPA's water quality criteria. This is an increase from 11 States and territories in 2000.

Further, EPA has improved public access to data on beach advisories and closings by improving the agency's electronic beach data collection and delivery systems. Moreover, EPA has been conducting cutting edge research to support the development of new water quality criteria to protect human health from pathogens and new monitoring methods to more accurately and rapidly detect pathogen contamination in recreational waters.

Faster and better decisions are good for public health and good for the economy and beach communities. We are optimistic that this work will help State beach managers make the best decisions possible about keeping beaches open or placing them under advisory.

□ 1415

Although EPA and the States have made substantial progress in implementing the BEACH Act, there is important work left to do in the areas of monitoring, research and updating the existing water quality criteria.

Reauthorizing the BEACH Act will enable EPA and the States to complete the important work they have begun so they can better protect public health and safety and continue to improve the quality of our Nation's recreational coastal waters so important to the economies of our coastal communities.

H.R. 2537 passed the Transportation and Infrastructure Committee by a unanimous vote. I would like to thank the chairman of the committee, Mr. OBERSTAR, and the chairwoman of the Subcommittee on Water Resources and Environment, EDDIE BERNICE JOHNSON, and especially a thank you to the ranking member, Mr. MICA, for all the hard work they have done put in to allow us to bring to you a consensus bill that enjoys strong bipartisan support.

I would also very much like to thank the staff. We have a bipartisan amendment that will be offered by Ms. JOHNSON at the appropriate time. It addresses technical and clarifying matters and other matters brought to the committee's attention since the committee filed its report.

I urge all Members to support the legislation.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I would like to yield 2 minutes to Mr. KAGEN from Wisconsin.

Mr. KAGEN. Thank you to Madam JOHNSON and subcommittee Chair FRANK PALLONE for putting together a tremendous bill.

Madam Chairman, as a Member who has the honor of representing one of the largest States in the country that has shoreline beyond measure in its value, I rise in strong support of H.R. 2537, the Beach Protection Act.

This critical piece of legislation will increase grant funding overseen by the

EPA for water quality surveys and for pollution source tracking programs, and it will also set a new standard for public notification.

H.R. 2537 will take important steps to address the serious threat to public health and the economic vitality of coastal vitality of coastal economies in northeast Wisconsin posed by beach water pollution and human pathogens.

I would be remiss, however, if I did not also recognize the exemplary job performed by the State of Wisconsin's Department of Natural Resources, who has been monitoring 34 of the 35 beaches in Door County, Brown County and Kewaunee County.

While I am also proud to applaud the beach monitoring standards employed by the State of Wisconsin, this act will also improve upon the quality of these observations and heighten public safety. After all, clean water gets good health.

Moreover, it will require the EPA to commence a study, identify potential revisions in the beach-funding distribution formula, which currently weighs the beach season conservatively, more importantly, than other factors such as Wisconsin's winter season not being adequately measured. Additionally, the bill will call upon the EPA to publish a list of pathogens affecting human health.

In closing, I urge all of our colleagues to support H.R. 2537.

Mr. BOOZMAN. Madam Chairman, I yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman yielding.

Madam Chairman, I rise in very strong support of H.R. 2537, the Beach Protection Act, and I want to applaud Chairman OBERSTAR for his leadership in bringing this to the floor and working with Ranking Member MICA. Certainly our subcommittee Chair, EDDIE BERNICE JOHNSON, has done extraordinary work on this, and our ranking member on the subcommittee, Mr. BOOZMAN, as well, for bringing it to the floor, I think, in a very bipartisan way.

I actually was not in the Congress in 2000 when the original BEACH Act became law, but I really feel this program could have been designed with my district in mind. In Michigan, we are unbelievably blessed to be surrounded by the Great Lakes which provide incredible recreational opportunities for boating or fishing or swimming.

Millions of Michigan residents from all over the world come to Michigan to enjoy our magnificent Great Lakes. In fact, there are more than 30 million people who find their way every year to our beaches.

We also have some especially unique challenges in the Great Lakes region in regards to quality. Unfortunately, due to inadequate underground infrastructure, many areas suffer from combined sewer overflows during our wet weather events. We often see sewage dis-

charges right into the Great Lakes, right along the beaches near big cities like Detroit or Chicago, other populated areas.

My district faces additional challenges in that we have a very long liquid border that we share with Canada. In fact, on the Canadian side of the river next to my district is an area which we call Chemical Valley, which is the largest concentration of petrochemical manufacturing plants in North America. So we need to worry not only about discharges on the American side, but on the Canadian side of the border as well.

Frequent and proper monitoring is a critical tool in this area to ensure that those who come to enjoy our State's natural beauty can do so knowing that the waters are clean and pure.

The BEACH Act has provided resources to help State and local governments ensure that our beaches are safe for recreational activity. In many ways, the BEACH Act has been successful and this reauthorization bill and the bipartisan cooperation that went into it has improved an already outstanding Federal program, but I do believe that we can do better.

A 2007 GAO report about the impact of the BEACH Act on the Great Lakes noted that there were some important successes, but also some areas where we need to improve. First, the GAO found that the formula EPA has used to distribute the BEACH Act grants does not accurately reflect the monitoring needs of the respective States. The EPA takes into account three factors to determine the allocation of these grants: beach season length, beach miles, and then beach usage.

At the current funding levels, the beach season factor has a much greater influence than the factors of beach miles and coastal population. Great Lakes States, which have beach seasons of little longer than 4 months, lose out when compared to southern and western States, of course, that have a full year season, even though the number of people who use the beaches might be similar.

Just an example, my home State of Michigan is disadvantaged by the minimal consideration given to beach miles. In 2006, Michigan, that has 3,224 shoreline miles, received a grant out allocation of only \$278,000. By contrast, one of our neighboring States, that has only 63 shoreline miles, received \$243,000. Due in part to this funding disparity, Michigan is only able to monitor 212 of its 905 beaches.

I am glad that this legislation helps address this problem by requiring the EPA to conduct a study of the formula for the distribution of grants in accordance with the needs of the States. EPA must report their findings back to the Congress and suggest possible revisions for a more equitable distribution of the funds.

A second recommendation from the GAO report was that Congress should consider providing more flexibility for

the grant so that they could be used to investigate and remediate contamination sources. Because of the increased monitoring, we are better able to predict which beaches would be contaminated.

But most cases local officials do not know the source of the contamination and are unable to take the action to address the cause. If they did they would still not have adequate funds to address the issue.

This legislation will allow States to use their BEACH Act grants to track sources of pollution. This change will provide the valuable information that we need to help clean up our waters and reduce pollution before it gets into our waters.

I urge my colleagues to support the passage of this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I would like to yield to our distinguished Chair of the full committee for a unanimous consent request.

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

Mr. OBERSTAR. Madam Chairman, I rise in strong support of H.R. 2537, the Beach protection Act of 2008.

This legislation, and the underlying statute that the Beach Protection Act amends, are vital to ensuring that the public is aware of, and protected from coming into contact with, potentially harmful pollutants and contaminants in our coastal recreational waters.

I applaud the efforts of the primary sponsors of this legislation, the gentleman from New Jersey, Mr. PALLONE, and our colleague on the Committee on Transportation and Infrastructure, Mr. BISHOP, for shepherding this important legislation through the hearing process, through Committee markup, and to the floor of the House today.

I also applaud the efforts of the gentleman from California, Mr. BILBRAY, for his efforts back in 2000 to move the initial BEACH Act to the President's desk.

The BEACH Act that was signed into law in October 2000 authorized \$30 million annually for beach monitoring and assessment programs and public notification programs for fiscal years 2001 through 2005. It required States and tribes to determine minimum water quality standards that were considered "safe."

In many ways, the BEACH Act has proven successful in making the public aware of the presence of potentially harmful water contamination at local beaches, and has brought about a revolution in terms of States creating and implementing coastal recreational water monitoring and notification programs. The benefits we have seen over the last 8 years include uniform standards for coastal recreational water quality, and increased monitoring and notification of such waters.

However, inasmuch as the BEACH Act has been successful in providing more information to the public, the Bush administration's track record on utilizing all of the tools contained in the BEACH Act to protect human health has been far less successful.

For example, the EPA was given authority to promulgate standards for States that did not have sufficient standards as compared to

those in the 1986 Ambient Water Quality Criteria for Bacteria. EPA was given further direction to continue to study the impacts of waterborne pollutants and bacteria to human health, and to revise the criteria every five years as needed.

Unfortunately, EPA failed to complete this task, as demonstrated by a lawsuit by advocates for safe beaches, and more recently, in a report of the Government Accountability Office ("GAO").

This GAO Report, entitled "Great Lakes: EPA and States Have Made Progress in Implementing the BEACH Act, but Additional Actions Could Improve Public Health Protection," established that more work could be done to ensure the safety of our beach waters.

Just this week, a Federal District Court judge in California ruled that EPA, again, violated its "non-discretionary duty" to complete required studies on revising coastal water quality criteria and standards. Even after losing a similar lawsuit in 2006, EPA continues to argue that the statute gives the Agency the discretion to "conduct the studies as it sees fit." This is contrary to the law, and has once again been dismissed by the Federal District Court judge.

Similarly, the Bush administration has failed to utilize the authorities and direction of the initial BEACH Act to ensure the public has the best, most accurate, and timely information on the condition of their favorite beaches. For example, the BEACH Act called for a creation of a "National List of Beaches" that would provide the public with information on which beaches had in place monitoring and notification programs, and which did not. EPA was given the direction to periodically revise this list, based on the availability of new information.

I can assure my colleagues that latest list, published in 2004, is not the most up-to-date assessment of the condition of the Nation's beaches. Again, the administration has failed to utilize the tools provided by Congress to ensure the protection of human health and safety.

Despite the current administration's track record, the BEACH Act is an important law for protecting the public from the presence of harmful pollutants and contaminants in the Nation's recreational waters.

The Beach Protection Act, under consideration today, will further enhance these authorities by working towards real-time, same-day information on the condition of local waters to safeguard against unintentional contact with contaminated waters.

Again, I strongly support the efforts of our colleagues in drafting this important piece of legislation, and urge its adoption.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield 4 minutes to the gentleman from New Jersey, who is the author of the bill.

Mr. PALLONE. I thank the subcommittee Chair, the gentlewoman from Texas.

Let me say I appreciate the bipartisan support that this legislation has, and certainly the efforts, not only of Mr. TIM BISHOP of New York, but of our chairman of the full committee, Mr. OBERSTAR, and the subcommittee Chair, Ms. EDDIE BERNICE JOHNSON, for moving this legislation today.

Madam Chairman, our Nation's beaches are vital, not only to residents

of our coastal States, but also for countless visitors who come to visit each year. America's beaches are a tremendous resource for those who come to enjoy them, and they are a huge economic engine for our coastal States.

In New Jersey alone, beaches are the primary driver of a tourism economy that provides nearly 500,000 jobs and generates nearly \$36 billion in economic activities to the State each year. All summer long thousands of people flock to the beaches.

It's my intention to assure that these beachgoers that are there in New Jersey and elsewhere, that not only are they visiting clean beaches, but they are also swimming in safe waters.

Thanks to the BEACH Act, a law that I helped to author back in 2000, we have made major strides over the last 8 years. The BEACH Act of 2000 helped us improve water quality testing and monitoring of beaches across the country, which is critical to protecting the health of beachgoers.

The act has three provisions: one, requiring States to adopt certain EPA water quality criteria to protect beachgoers from getting sick; two, requiring the EPA to update these water quality criteria with new science and technologies to provide better, faster water testing; and, third, to provide grants to States to implement coastal water monitoring programs.

In New Jersey we used some of this grant money to become the first State in the Nation to launch a real-time Web site that notifies beachgoers of the state of our beaches. Essentially, this bill is a right-to-know piece of legislation.

Now, despite the actions New Jersey and other States have taken since the BEACH Act was signed earlier in the year 2000, this act must be improved. That's why I have introduced the Beach Protection Act of 2007.

This bill not only reauthorizes the grants to States for 2012 but adds to the annual grant levels from a total of \$30 million to a new level of \$40 million annually.

We also expand the scope of BEACH Act grants from water quality monitoring and notification to also include pollution source tracking efforts. The bill requires that beach water quality violations are disclosed not only to the public but all relevant State agencies with beach water quality authority.

I want to mention the rapid testing methods. This act calls for the use of rapid testing methods by requiring the EPA to approve the use of rapid testing methods that detect bathing water contamination in 6 hours or less. This is something that I have been advocating for the last couple of years.

Current water quality tests, like those used in New Jersey, only test for bacteria levels and take 24 to 48 hours to produce reliable results, during which time many beachgoers can be unknowingly exposed to harmful pathogens. More immediate results would prevent beaches from remaining

open when high levels of bacteria are found.

The legislation also requires prompt communication with State environmental agencies by stating that all BEACH Act grant recipients make decisions about closures or advisories within 24 hours in order to ensure coordination in response to activities.

We are also requiring each State receiving grants to implement measures for tracking and identifying sources of pollution, creating a public online database for each beach with relevant pollution closure information posted, and ensuring the closures or advisories are issued shortly after the State finding that coastal waters are out of compliance, so, again, right to know, information to the public.

We are also holding States accountable by requiring the EPA administrator to do annual reviews of grantees' compliance with BEACH Act process requirements. The Beach Protection Act will strengthen current law by requiring States to use expedited testing.

This is a right to know for our beachgoers. It's very important, and I want to thank everyone on a bipartisan basis for supporting it.

Mr. BOOZMAN. Madam Chairman, I yield 2 minutes to my friend from Texas (Mr. CONAWAY).

Mr. CONAWAY. Madam Chairman, things that we do in this Chamber have consequences, and the things we don't do in Chamber also have consequences. Quite frankly, there are a lot of things that we are not doing that are having immense consequences, things like renewing the FISA bill, the war supplemental, long-term issues like Social Security and Medicaid. We had another one today, the Colombia Free Trade Agreement, which are things that will have consequences because we have not dealt with this on the floor.

The internal combustion engine will be used for a long time to power pleasure craft on our lakes and beaches and waterways. The public policy decisions that we are taking in here and have taken in here make that use of those boats and jet skis much more expensive.

Public policy decisions that are specifically aimed at increasing the energy costs to all Americans are things like raising taxes on energy companies so that they are no longer able to use that money to explore for and produce additional crude oil and natural gas, restrictions on where we can drill for these additional sources of crude oil and natural gas, and the gasoline that results from that to power our water crafts and jet ski, added regulations on the production of crude oil and natural gas, added regulations on the refining of crude oil and natural gas and the gasoline that can be used to power jet skis and motor boats and others, and even new regulations that are coming that will increase the cost of electricity to American consumers and American businesses.

□ 1430

All of these public policy decisions that we make in this House and have made in this House are specifically designed to raise the operating costs of all these vehicles to consumers in America. It is the elephant in the room that none of us want to talk about as we go forward with the energy policy that is put forth by the leadership of the current House. That is, they specifically want Americans paying higher gasoline prices because when you reduce supplies, as these policies do in the face of increasing demand, then the law of supply and demand works, in spite of our best efforts, and costs go up.

As we have seen, gasoline prices are at an all-time high. This weekend, which will be a wonderful weekend to be on our beaches and lakes, using those watercrafts, the gasoline that will be purchased to pay for that recreational use this weekend will be much higher than it otherwise would have been than if we had taken rational steps with respect to energy policy in this country.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Madam Chairman, I rise in support of this legislation which would reauthorize the Beach Environmental Assessment and Coastal Health Act, or the BEACH Act.

My district has over 1,600 miles of beach frontage on the Great Lakes, and the BEACH Act has been instrumental in providing funding to protect beachgoers from bacteria and other dangerous pathogens.

Michigan residents rely on BEACH Act funding to protect them. In my district, residents on Sugar Island near Sault Ste. Marie, Michigan, depended on this important funding to monitor water that had been contaminated with E. coli, coliform, and other bacteria. Without the support of BEACH Act grants, the Chippewa County Health Department would not have been able to determine that the pollution was originating from a wastewater treatment plant in Canada.

This legislation would improve the BEACH Act program to ensure a fairer distribution of funds. In July of 2007, the Government Accountability Office released a report at the request of myself and several other Great Lakes colleagues. This report found that the EPA was using a funding formula that prioritizes States with warmer climates, ignoring other important factors such as beach miles and beach use. This formula put Great Lakes States like Michigan at a distinct disadvantage, making it more difficult for these States to protect their beachgoers.

This legislation addresses this problem by instructing EPA to revise its funding formula to take factors such as beach miles and beach use into consideration.

While monitoring water quality and tracing the sources of pollution to its

origin are important steps to keeping our beaches clean, knowledge is only half of the battle. The July 2007 GAO report also found that while the BEACH Act has helped protect beachgoers from polluted waters, States still do not have the resources they need to clean up the pollution and prevent future problems.

The latest survey by EPA has estimated that an additional \$181 billion is needed nationwide for infrastructure projects eligible for funding under the State revolving fund. I look forward to working with Chairman OBERSTAR and the Transportation and Infrastructure Committee later this year to address our water and wastewater infrastructure needs and provide resources for the State revolving fund.

I appreciate the work of Mr. PALLONE and Mr. OBERSTAR on this important legislation, and look forward to working with them as we continue to address important Great Lakes issues.

Mr. BOOZMAN. Madam Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Madam Chairman, I rise to express my deep disappointment with today's debate in the House. With our Nation facing record high gas prices, the majority leadership in the House has chosen to debate legislation not on securing reliable and affordable energy, but on beaches.

I suggest a better use of our time and the American people's time would be to have a serious debate about energy. How are we going to make energy more affordable in the short term? How are we going to make energy more affordable as the Nation needs to be more independent in the long term? What will be our primary fuel source in the future, and how do we get there?

Instead, in recent months we have periodically debated shortsighted and fatally flawed legislation that purports to fix our energy problems simply by raising taxes by billions of dollars on domestic energy companies and hoping for the best. That is not an energy policy, that is a tax increase on every American family. Energy companies will inevitably pass on their additional costs to consumers at the pump.

We should be debating legislation to streamline the Federal permitting process that has stifled construction of new oil refineries. We haven't built one in 32 years. We could be talking about benefiting consumers by simplifying our Nation's fragmented gasoline supply. The number of regional boutique fuels restricts the movement of our fuel supply and raises costs on Americans at the pump.

We could be debating the merits of opening Alaska's Arctic National Wildlife Refuge, ANWR, and the Outer Continental Shelf for energy exploration. We know that combined these areas have nearly 100 billion barrels of oil. Previous Congresses, urged on by their radical environmentalist allies, made the decision to keep these vast reserves off-limits. As a result, we see oil now

at \$110 a barrel. It is time we revisit the very important issue of being able to go after resources we have available to us in Alaska and in the Outer Continental Shelf.

What about encouraging the construction of nuclear power plants? We began that process in 2005 with the passage of the Energy Policy Act. But as we stand here today, we haven't built a new plant in decades. European and Asian nations are building them by the dozens. India has nine new plants under construction. Japan is building five more. And China has plans to build 30 reactors. We in this country have plans for exactly zero on the way.

Let's talk about how we intend to compete with China, which is canvassing the globe in its quest to ensure a reliable supply of oil. Reports indicate that the Chinese are forming energy partnerships with rogue nations like Iran and Cuba. And Cuba is purportedly planning to allow the Chinese to drill for oil off the Florida Keys, off our Florida Keys.

Shouldn't we be talking about boosting domestic production simply so we wouldn't have to rely on the mood of Third World dictators like Hugo Chavez? Wouldn't it be nice if prices didn't spike at your neighborhood gas station when terrorists decide to blow up a pipeline half a world away, or when there is instability in Nigeria?

Some may argue, and they might well be right, that oil isn't the long-term answer. It is a finite resource that may be scarce in the near future as developing nations like China and India continue to expand and industrialize; maybe so. But shouldn't we consider boosting our oil and natural gas supplies, increasing our energy independence that might just buy us the time necessary to develop the next fuel source? Maybe hydrogen fuel cell technology will take us into the next century. Maybe it is some other renewable resource. It could be a combination, or maybe something we haven't even discovered yet. We don't know. We do know that America has substantial reserves of oil and natural gas that we have locked up, we have placed off-limits. These resources could be the bridge that allows America to cross over the choppy waters of OPEC and Third World dictators to the secure footing of affordable and secure energy sources of tomorrow. Let's talk about these important things. Let's not talk about beaches.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Chairman, I rise in strong support of the Beach Protection Act. This bill will increase protections for the Nation's beaches and the public health. I commend Mr. PALLONE, Mr. BISHOP, and the Transportation Committee leadership for bringing this important bill to the floor in a bipartisan way.

Despite having one of the most comprehensive beach water quality testing

programs of all the coastal States, my home State of California has by far the most beach closures and advisories of all of the States. The State reported over 4,600 closing and advisory days statewide in 2006.

This legislation builds on the progress made since the passage of the BEACH Act in 2000 to reduce the number of these closures which threaten public health.

First, the legislation increases the funds available to the States, and expands the uses of those funds to include tracking the sources of pollution that cause beach closures, and supporting pollution-prevention efforts.

It will also require the EPA to develop methods for rapid testing of beach water, so results are available in hours, not days.

Second, the legislation strengthens the requirement for public notification of health risks posed by water contamination. These measures will improve the public's awareness of health risks posed by contamination of coastal waters and create additional tools for addressing the sources of pollution that cause beach closures, including leaking or overflowing sewer systems and storm water runoff.

I know some of my colleagues are trying to make this debate into one of energy and our economy. This is a bill to help protect the health of our beaches and the health of our economies. Safe and healthy beaches are strongly tied to our local economies. So I urge my colleagues not to be distracted by extraneous arguments.

Clean water is an economic and public health necessity for California and for all coastal States. I urge my colleagues to vote "yes" on H.R. 2537. Let's take good care of our beaches.

Mr. BOOZMAN. Madam Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. HALL).

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Madam Chairman, I am of course pleased to support H.R. 2537, the Beach Protection Act of 2007, and appreciate the efforts of Mr. PALLONE to advance this legislation.

It is my understanding that this bill will receive overwhelming bipartisan support. It is going to be a totally green board, which I applaud. But it seems to me that the House has other, more critical issues to consider, such as the rising cost of energy which affects the success or failures of the traveling public to even reach the beaches of the world.

Oil and gas prices are at an all-time high with national averages topping \$3.25 a gallon. A year ago we feared a time when crude oil could reach \$100 a barrel, and now oil has reached \$110 a barrel for the first time in history.

Unfortunately, energy analysts are saying that prices at the pump are not likely to decrease any time soon, and could rise as high as \$3.75, maybe \$4 a gallon this year.

My constituents in the Fourth District of Texas, as well as all Americans, are very concerned about the ever-increasing cost of gasoline and diesel, combined with the escalating prices at the grocery store. It is costing them more to travel to work, and more to provide food for their families. They are looking to Congress for some immediate relief and some long-term solutions.

The Energy Security Act that the majority passed and the President signed into law has some good provisions; but, unfortunately, none that will provide Americans the relief they need from high energy costs. Not one barrel of oil was provided in that entire act. There was no mention in the Energy Act of an increase in domestic production, which is one way to help bring down energy costs.

This year marks the culmination of a research and development product which I have worked on and passed, I think four times as a Democrat and one time as a Republican, and it is the Ultra-deepwater and Unconventional Onshore Hydrocarbon Resources Act that was signed into law as part of the Energy Policy Act of 2005.

Nuclear energy has also seen a surge in recent years as people realize it is a clean and safe source of energy. But as with building a new refinery, the permitting and construction process is extremely expensive, and there are still significant risks to venture capitalists who would otherwise invest.

Congress needs to reduce uncertainty in the regulatory process for permitting and construction of new nuclear plants, as well as oil refineries, by streamlining the process and requiring the Environmental Protection Agency to issue its rulings within a realistic time frame.

America needs relief at the pump now more than ever. Congress needs to jump start efforts to bring down energy costs in the short term and build on comprehensive energy policies that recognize the importance of all energy sources in the long term. Providing Americans with affordable energy is an important issue.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield 3 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the distinguished chairwoman of the Water Resources Subcommittee for yielding to me, and for her great work on the legislation, as well as the bill's sponsor, Mr. PALLONE.

Madam Chairman, I rise today to enthusiastically support the Beach Protection Act of 2007. With over 75 miles of shoreline along Florida's well-renowned Gold Coast on the Atlantic Ocean, my congressional district relies heavily on its beaches to support both our economy and our unparalleled quality of life.

But keeping our beaches open and thriving requires us to vigilantly fight pollution in our waters. According to

the Natural Resources Defense Council, almost 2,700 beach advisory or closure dates were issued due to pollution for the State of Florida in 2006. Although the number was down from the previous 2 years, 2006 represents a record high for closing or posted warnings with over 25,000 such notices across our country.

Madam Chairman, the causes for beach pollution are well known. It often originates from contaminated storm water or inadequately treated sewage, and the effects can be wide ranging and devastating, ranging from ear infections and respiratory ailments, to hepatitis and dysentery. For senior citizens, small children and people with weak immune systems, the results can even be deadly.

That is why this act, the Beach Protection Act, is important. The legislation will reauthorize the BEACH Act of 2000 and increase annual funding from \$30 million to \$40 million, enabling more beaches to receive Federal grants to support State-monitoring efforts.

□ 1445

It will also allow States to use the funds to track and clean up the sources of beach water pollution so that we can prevent future closings and advisories from happening.

H.R. 2537 will also speed up notifications of water quality. The unfortunate truth is that many beach managers are using outdated testing methods that are incapable of providing immediate, same-day results of water quality. This means that beachgoers sometimes don't even find out until a day or two after they return from the beach that the water they were swimming in was hazardous.

This delay must stop. Our constituents have a right to know right away if the water is unsafe. And now that we have rapid test methods that can provide results in as little as 2 hours, the EPA must approve them and States must implement them, and this bill will require them to do that.

The Beach Protection Act is critically important for our coastal communities and the millions of Americans who enjoy and visit them each year.

I thank the chairwoman again for her work on it, and look forward to the passage of this bill.

Mr. BOOZMAN. Madam Chairman, I yield 2 minutes to the ranking member of the Energy and Air Quality Subcommittee, Mr. UPTON from Michigan.

Mr. UPTON. Madam Chairman, I must say, when I saw the whip notice this last week, I saw some good things and some bad things. One of the bad things that I didn't see was that we're not addressing what my constituents are talking about, and that is gas prices.

Yes, this is a good bill, beach nutrition. It has water monitoring there, Great Lakes are now part of it, and I want to thank particularly the Members from the Great Lakes area who



were able to include that, particularly my friend who represents the east side of Michigan, CANDICE MILLER, on that committee.

But as far as I know, this bill passed without dissent. Frankly, it could have been under suspension of the rules. I bet we would have passed it on a voice vote, two-thirds voting in favor of it. After the Flake amendment, maybe there are some that wish that it did come up under suspension so that they wouldn't deal with the Flake earmark amendment. We'll see.

But, you know, my constituents back home, they're complaining that we're doing things that aren't maybe on the top of their agenda. We're talking about steroids, we're talking about a whole number of things that don't impact the economy or, in fact, their pocketbook. They're talking about gas prices.

On Tuesday when I left to come back from Michigan, diesel prices were \$4.11 a gallon. Gas prices, unleaded regular, \$3.35 a gallon. I can hardly wait till I go back this week and see what they might have gone to.

What have we done on this? That is their question. What are we doing about supply and demand?

Well, I'll tell you some of the things we've done. We've raised taxes on them. Thank goodness we've got the Senate saying no so far because, of course, if you raise taxes on energy production here, those costs are just going to be passed along to the consumer and they'll go up even higher. Go talk to the French or the British and those folks. They tax gas a lot and they pay a lot more per gallon.

There's some things that we haven't done. I know some in this body have advocated for raising the gas tax by as much as 50 cents a gallon. We haven't done that. Maybe, certainly I believe that's a good thing.

But we've blocked using oil shale from Canada. You know, they've got a field up in the Northwest there that they think rivals the Saudis, that can actually heat up the sand and the oil comes out. They're actually taking 1½ million gallons.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BOOZMAN. I yield the gentleman an additional 20 seconds.

Mr. UPTON. We need to do more. We are now, by 2012, our domestic needs, we're going to be only producing 12 percent of our gas here. That's got to change.

Madam Speaker, let's not go to the beach and leave our work undone. Let's pass this bill, but let's deal with the real issue that Americans feel in their pocketbooks literally every day that they go to the pump.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I would like to inquire of my colleague, Mr. BOOZMAN, how many more speakers he has.

Mr. BOOZMAN. We have several, Madam Chairman, probably five or six.

Ms. EDDIE BERNICE JOHNSON of Texas. I reserve my time.

Mr. BOOZMAN. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Madam Chairman, I wanted to read some quotes. This is a quote from Speaker NANCY PELOSI, 4/24/06: "Democrats have a commonsense plan to help bring down skyrocketing gas prices."

Another quote from Majority Leader HOYER: "Democrats believe that we can do more for the American people who are struggling to deal with high gas prices." This was 10/4/05.

On 7/26/06, Mr. JIM CLYBURN, the Democratic Whip, said, "House Democrats have a plan to help curb rising gas prices."

We need to see those plans. We need to hear what those ideas are.

April 16, 2006, press release, Speaker PELOSI:

"The Republican Rubber Stamp Congress has passed two energy bills, costing taxpayers \$12 billion for giveaways to big oil companies. But the Republican bills clearly have done nothing to lower gas prices, as the price of a barrel of oil has sailed over \$70 a barrel," and I believe it closed over \$110 today, "the highest price in our history."

"Democrats have a plan to lower gas prices, taking America in a new direction that works for everyone, not just a few. Our plan would empower the Federal Trade Commission to crack down on price gouging, to help bring down skyrocketing gas prices, increase production of alternative fuels, and rescind the billions of dollars in taxpayer subsidies, tax breaks and royalty relief given to the big oil companies."

Madam Chairman, I'll say that we have not had any relief from gas prices. Gas prices are a dollar a gallon more today than they were when the new majority took over.

We have paid too much attention to windmills, bicycles and solar panels. We need to pay attention to domestic drilling. We need to pay attention to promoting alternative fuels.

We have been going in the wrong direction. And if you ask the American people right now, 78 percent of the people say this country is headed in the wrong direction.

And, Madam Chairman, I promise you, our gas prices are heading the wrong direction.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I would like to yield 30 seconds to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I'm surprised at the remarks, Madam Chairman, of the gentleman from Georgia, about bicycling. I think we need to pay more attention and do more work for bicycling. And we would all do better burning 86,000 calories a year on the seat of a bicycle than eight barrels of oil a year in our cars.

Mr. BOOZMAN. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Madam Chairman, on April 10, 2008, let the record show, oil is \$110 and rising, natural gas is \$10.56 and rising, gasoline and diesel prices at record levels in all our communities.

Folks back home are scared. They want us to help them. An amendment I will offer later will help, the NEED Act, to this bill because it will provide the ability to produce clean, green natural gas on out, out of sight, offshore. It will provide \$20 billion to clean up the Chesapeake Bay and the beaches there, \$20 billion to clean up the Great Lakes, \$12 billion for San Francisco Bay clean-up, energy efficiency and renewables, \$32 billion, carbon capture, the famous discussion in the Senate now, \$32 billion. And it'll be mandated spending. The appropriators can't screw it up.

America's economic future is in trouble. Energy prices will prevent people from having a job, having an economy and being able to afford their vacations and go to the beautiful beaches that we have.

I think Roy Ennis says it best, chairman of the Congress of Racial Equality. Energy is the master resource, the foundation of everything else. Abundant, reliable, affordable electricity, natural gas and transportation fuels make our jobs, health and living standards possible. Energy is the great equalizer, the creator of economic opportunity and environmental justice. Push energy prices up, everybody suffers. When energy costs get too much, industry lays people off or just leaves. Jobs, income and tax revenues vanish. Government social programs wither. Town and leadership migrate to other cities, other countries. Social ills multiply. That's why I say the fight over energy is the critical civil rights battle of our era. Your utility bills, the price you pay at the pump, your job security are in danger, and not just because of the Middle East oil wars or competition from China and India. Our rights are being endangered because of what's happening right here at home.

This Congress is the cause of high energy prices. There's no action here to fix the ills of the past. We're locking up our energy supply. It's not even to be debated. It's not even a priority.

Congress is the reason America doesn't compete energywise. And, folks, in a period of time, we won't compete in the global economic economy, and we will not have jobs and a future for this country. We have the potential of being a second-rate nation because we, as Congress, have caused the energy crisis and are refusing to fix it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I'd like to reserve.

Mr. BOOZMAN. Madam Chairman, I yield a minute to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. I rise in support of the Beach Protection Act. And as the Member who represents the entire Atlantic Coast in Virginia and much of

the Chesapeake Bay, I recognize that our beaches are a treasure and must remain clean and safe. But we must lift the Federal moratorium on deep sea drilling of natural gas in the Outer Continental Shelf.

America has acted to make our energy consumption cleaner, and today we use much more natural gas for the generation of electricity. We have increased demand without increasing supply.

The U.S. is the only developed nation that does not capture natural gas from the Outer Continental Shelf. Canada has done it for years. We all know what Cuba's getting ready to do.

It's American families and American businesses that pay this extra cost, and it is driving American businesses overseas simply because of the cost of energy in America.

Coastal States should be able to decide if this activity takes place, and we should share in those royalties. In Virginia, we could use those dollars for transportation.

America expects our policies to meet our energy needs.

Ms. EDDIE BERNICE JOHNSON of Texas. I continue to reserve.

Mr. BOOZMAN. Madam Chairman, I yield to the gentlewoman from Oklahoma (Ms. FALLIN) for 1½ minutes.

Ms. FALLIN. Madam Chairman, I support the Beach Protection Act. However, while we are debating this legislation, millions of Americans are wondering why, in large parts of this country, they are having to pay \$3.34 a gallon for gasoline, and even 70 cents more for diesel fuel. They're struggling to cover their costs of their daily commute, and they're wondering, why is Congress debating beach protection when I can hardly afford to drive my children to school and even to go to work?

American families and businesses are being hammered by the rising fuel costs, and it is clear that the inaction of this Congress will come at an expense to both drivers, small businesses and consumers.

The cost of our inaction was outlined yesterday when we had a hearing in our Small Business Committee about the rising cost of gasoline. We heard from five different businesses that testified how their businesses are being squeezed with the rising cost of fuel.

One business, in particular, was a trucking company who said that his fuel costs had tripled in the last several years, and he was really struggling to make ends meet.

Small businesses operate on razor thin margins and they are faced with dilemmas. Do they cut costs? Do they cut their business? Do they raise their prices, or do they just go out of business? Some of them are even having to cut the salaries of their employees.

Well, Madam Speaker, fuel costs that are on the rise are making small businesses feel the heat, and consumers are feeling the heat too. Today we need to address the issue of rising fuel costs

and help our consumers and our small businesses. Either way, the American worker is suffering, small businesses are suffering, and this is a very important issue to our Nation.

Let's show the people of America that we care, and address this issue.

□ 1500

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I continue to reserve.

Mr. BOOZMAN. Madam Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Chairman, I thank the gentleman.

As we come to the floor now and the Democrats talk about beaches, my constituents in the great State of New Jersey suffer. They are suffering from unrelenting increases in the price of gas, up almost a dollar now since the Democrats took control of this House. So as my constituents suffer from higher food costs, all related energy costs; as my constituents suffer from higher heating costs, all related to energy costs; as my constituents suffer from the higher cost of living in general, again, related to energy costs, all of them should be asking what is it that the Democrat Congress is doing to address this problem?

Well, the short answer is nothing really helpful. And the long answer is really potentially driving up the costs even higher.

Let me give you two quick points. First, the Democrats have voted four times now, four times, to raise taxes so to make sure the discovering and making sure that America's energy independence is that much harder. Secondly, they have voted now to lock up almost 85 percent of known specific energy resources in this country. What does that mean? What does that translate to the consumer? Again, the Democrats are making it harder for America to become energy independent from foreign oil.

Now is the time for all Americans everywhere across this country to ask what is its Democrat Congress doing. The short answer is nothing much. The long answer is potentially driving up the cost for fuel for all of them. Now is, therefore, the time for all of us to come to the floor to work together for a change and to make sure that America can, in fact, become energy independent. Now is the time for Democrats to be working not against the American consumer, but for him instead.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I continue to reserve.

Mr. BOOZMAN. Madam Chairman, we don't have any additional speakers. I would urge support of H.R. 2537. I appreciate the hard work of the staffs on both sides in bringing this before Congress today. I appreciate the leadership of the individuals involved and would just urge that we adopt the bill.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield 2 minutes to the gentlelady from Florida (Ms. CASTOR).

Ms. CASTOR. Madam Chairman, I rise in strong support of the Beach Protection Act, and I salute Chairman OBERSTAR, Chairman JOHNSON, and Congressman PALLONE for their leadership.

The intent of the Beach Protection Act is to protect America's beautiful coastlines from water pollution. Yet big oil drilling interests have once again filed an amendment that puts our beaches and America's coastlines at risk.

New offshore oil and gas drilling represents a real hazard to the marine environment of the State of Florida, but all across the country, beaches, our coastal environment, our marine resources, the billion dollar tourism industry in Florida should not be sacrificed for a small amount of oil.

It would only take 24 hours after a petroleum spill in the eastern gulf for the oil to sully Florida's panhandle beaches. If the spill was swept up in the gulf's powerful loop current, the spill would pollute the Florida Keys, contaminate estuaries and beaches from the Everglades to Cape Canaveral.

We only have to look back to 2005 when we had three Category 5 hurricanes, Katrina, Rita, and Wilma, that caused massive oil spills and pollutants in the Gulf of Mexico. It destroyed 150 petroleum production platforms in the gulf and damaged 457 pipelines.

Drilling off of our beautiful beaches is the energy policy of the past. If President Bush and my colleagues on the other side of the aisle truly wanted to address high oil prices, you should have voted with the Democratic majority to take the huge tax breaks away from the big oil companies at a time that they are making record profits.

We are fighting for a new direction on energy policy, renewable sources of energy. We value our natural environment, and we value the public health of our communities.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I yield the balance of my time to the chairman of the full Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Chairman, I have sat here patiently and listened to a litany of speakers come here and address the Committee of the Whole on subjects important to them but irrelevant to the subject matter at hand. And one or another, maybe several of them, said "this Democratic Beach bill."

I just want to remind the colleagues that this is the bill of the gentleman from California (Mr. BILBRAY), who has labored for several years on behalf of this legislation. We finally move it through committee, bring it to the floor, and now it's laid on our doors to be the Democratic bill and why are we



wasting the House time. We bring it under an open rule, and then someone said, you should have brought it on suspension. If we had brought it on suspension, they would have complained because they didn't have an opportunity to offer the eight amendments that they're bringing to the floor. I am just perplexed by this tactic. It's unworthy of the legislation pending.

And we've worked hard to accommodate the gentleman from California who has a legitimate concern. I concur with his concern. We bring the bill out, and we do it in good faith, and we expect at least a good-faith response from the other side.

Mr. GOODLATTE. Madam Chairman, while we debate a bill about beaches today, I am again appalled that the majority has once again missed an opportunity to address one of the biggest problems confronting our constituents, rising energy costs. It is reported today that gasoline prices reached a new all time high of \$112 a barrel. Yet, we have let another week here pass without doing anything to confront this challenge.

Not a week goes by when I am not asked about rising energy prices. These increased costs affect everyone in our society. But none are more affected by these increased costs than some of our nation's most poor. On average, the nation's working poor spends approximately 13 to 30 percent of their yearly income on energy costs, and as prices rise so will the amount of their income spent on energy.

A large number of factors combine to put pressure on energy and gasoline prices, including peaked U.S. oil production, increased world demand for crude oil, and U.S. refinery capacity that is inadequate to supply gasoline to a recovering national economy. These are serious problems that will not go away with time, and they require real solutions that will restore American energy independence and help ease the pain of record price fill-ups. However, the majority in Congress has failed to do anything that would address any of these factors contributing to high prices.

When many are citing U.S. production numbers and refinery capacity as a reason for increased gas prices, the Majority has proposed additional taxes on these domestic energy suppliers. We have voted on several bills that would impose up to \$15 billion in tax increases on domestic energy suppliers. These taxes will impede domestic oil and gas production, discourage investment in refinery capacity, and make it more expensive for domestic energy companies to operate in America than their foreign competitors, actually increasing America's dependence on foreign oil.

Let's make no mistake, an increased tax doesn't just hurt energy companies, it hurts every American—individual, farm, or company—that consumes energy. Increased taxes on energy companies are passed on to consumers. Every American will see these increased costs on their energy bill. This body shouldn't pass legislation that further raises energy prices for consumers. I have voted against these attempts to raise taxes, and luckily none of these bills have become law.

Unfortunately, too often in the 110th Congress, the majority's solution has been to place restrictions on the marketplace. Policies that increase supply, not those that place re-

strictions on the marketplace, are the solutions to today's energy concerns. For example the dramatic expansion of the Renewable Fuels Standard to require 36 billion is an artificially created government mandate. While I am supportive of renewable energy, we should develop a policy that is technology neutral and allows the market to develop new sources of renewable energy. The RFS provisions create an unrealistic mandate for advanced biofuels technology that doesn't yet exist and creates hurdles for the development of second generation biofuels. These restrictions will undoubtedly lead to a consumer tax to help bridge the gap in production.

However, there are many things we could actually do here in Congress that would help ease the prices at the pump. Many Americans don't know that the U.S. is the world's largest energy producer. Over the past 25 years we have pumped 67 billion barrels of oil, and strong reserves remain. The fact is the energy sources are there—in Alaska, the Rockies, and offshore—but political roadblocks keep it in the ground instead of in use in the economy.

We should also be focusing on the development of clean Coal-to-Liquid technologies. This is one of the most promising advancements in coal research and produces liquid transportation fuels synthesized from coal. Even using conservative estimates, our country has enough coal to last over 200 years. Coal is one of our nation's most abundant resources, yet the development of Coal-to-Liquid technologies has been completely ignored by this Congress. Producing liquid transportation fuels from coal will be a major catalyst in helping our country become energy independent.

Energy costs are affecting the daily life of all of our constituents. We must change the direction this Congress has been headed in addressing this issue. We must reject the politics that put restrictions on the marketplace and keep energy in the ground instead of in our gas tanks. Instead, we must develop a long-term strategy that allows us to access our traditional energy sources, while developing alternative and renewable energy sources that seek to increase energy supplies and encourage cleaner, more efficient energy use.

Mr. GENE GEEEN of Texas. Madam Chairman, I rise in strong support of H.R. 2537, the Beach Protection Act of 2008.

Texas is home to over 600 miles of spectacular beaches along the warm waters of the Gulf of Mexico.

This "Third Coast" includes some of the most beautiful and calming beaches in the Nation and is a huge contributor to our State economy.

Whether it's Galveston Island, Corpus Christi, Port Aransas, or South Padre Island, millions of Texans and tourists visit and swim in our waters, making it vital that we monitor these beaches to protect the health and safety of American families.

Just last July, a man who had an ulcer in his lower leg went swimming off the coast of Galveston County. Three days later he fell ill and was rushed to the hospital where he had three surgeries to save him from a rare bacterial infection. The bacteria entered his ulcer through the water and the infection spread to his blood.

While this is a rare case, Madam Chairman, it highlights the need to quickly detect water contamination and warn the public of possible health related threats.

The Beach Protection Act will provide much-needed grants to States along the coasts for State and local recreational water monitoring and notification programs.

It expands the grant program and allows States to use funding to pinpoint possible sources of water contamination and to track these pollutants.

Just as important, the bill strengthens public notification laws by requiring a 24-hour notification if water samples prove contaminated, and allows for public warnings on the possibility that water may be contaminated.

With more information, individuals and families can make the most informed choices when vacationing and visiting our public beaches.

I urge my colleagues to support the Beach Act to protect our waters and the health of our communities.

Mr. BISHOP of New York. Madam Chairman, on behalf of the residents of eastern Long Island, I would like to commend Chairwoman JOHNSON and Congressman PALLONE for their leadership and unwavering dedication to clean water issues. I would also like to thank the Transportation and Infrastructure Committee staff for their hard work and commitment to advancing this legislation to the full House today.

My district encompasses 300 miles of Eastern Long Island's coastline, which includes some of this country's most popular and beautiful beaches that I am very proud to represent. Maintaining coastal health is an integral objective not only in my district but to preserve our Nation's environment and to sustain the tourist economies of our States that rely on safe, clean beaches. Millions of beach-going Americans and their families who will flock to our Nation's shores in the summer months ahead deserve pristine waterways, and we should do all we can today to preserve them for future generations of Americans.

To that end, the water quality monitoring and notification grants established in the Beaches Environmental Assessment and Coastal Health (BEACH) Act have been absolutely vital to protecting the health of beachgoers and preserving the quality of our shores. However, it has become clear that further development of the BEACH Act is needed after recent reports marked progress but raised questions about its implementation.

Therefore, I commend Mr. PALLONE, the author of the original BEACH Act, for building on the program's success by updating the law and advancing improvements in this bill to meet the challenges involved with carrying out the program and to continue funding its grant programs.

Accordingly, this bipartisan legislation reauthorizes grants to states through 2012, but increases grant authorizations to \$40 million annually; expands the scope of BEACH Act grants from water quality monitoring and notification to include pollution source tracking efforts; and strengthens environmental standards for water quality testing and communication. In addition, this bill requires that beach water quality violations are disclosed not only to the public but to all relevant state agencies with beach water pollution authority.

Furthermore, this bill requires the EPA to conduct annual reviews to make sure state and local governments that receive funding in the BEACH Act comply with its process requirements. Under this bill, grantees have one

year to comply with the new environmental standards. Otherwise, they will be required to pay at least a 50 percent match for their grant until they come back into compliance, in place of current law which allows the government to require a non-federal share of up to 50 percent.

For six years, the BEACH Act has given beachgoers the peace of mind that the beaches they visit are clean. Our legislation begins the process of strengthening this important law and reassures the American public that preserving healthy shores is a priority of our environmental agenda.

One in ten tourists is destined for the beach this summer—providing our travel and vacation industries with customers and business. I hope my colleagues agree that the BEACH Act is an excellent example of an effective government program that benefits communities in every region of the country and has yielded tremendous progress in restoring healthy shores.

Madam Chairman, with the leadership and support of this body, we can ensure that beach visitors throughout the country are assured that local governments have all the resources they need to monitor recreational waters and alert the public of potential health hazards.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment is as follows:

H.R. 2537

*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 “Beach Protection Act of 2007”.

#### SEC. 2. WATER POLLUTION SOURCE IDENTIFICATION.

(a) **SOURCE TRACKING.**—Section 406(b) of the Federal Water Pollution Control Act (33 U.S.C. 1346) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) **SOURCE IDENTIFICATION PROGRAMS.**—In carrying out a monitoring and notification program, a State or local government may develop and implement a coastal recreation waters pollution source identification and tracking program for coastal recreation waters adjacent to beaches or similar points of access that are used by the public and are not meeting applicable water quality standards for pathogens and pathogen indicators.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 406(i) of such Act (33 U.S.C. 1346(i)) is amended by striking “\$30,000,000 for each of fiscal years 2001 through 2005” and inserting “\$40,000,000 for each of fiscal years 2008 through 2012”.

#### SEC. 3. FUNDING FOR BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT.

Section 8 of the Beaches Environmental Assessment and Coastal Health Act of 2000 (114 Stat. 877) is amended by striking “2005” and inserting “2012”.

#### SEC. 4. STATE REPORTS.

Section 406(b)(4)(A)(ii) of the Federal Water Pollution Control Act (as redesignated by section (2)(a)(1) of this Act) is amended by insert-

ing “and all environmental agencies of the State with authority to prevent or treat sources of pollution in coastal recreation waters” after “public”.

#### SEC. 5. USE OF RAPID TESTING METHODS.

(a) **CONTENTS OF STATE AND LOCAL GOVERNMENT PROGRAMS.**—Section 406(c)(4)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is amended by inserting “, including rapid testing methods,” after “methods”.

(b) **REVISED CRITERIA.**—Section 304(a)(9) of such Act (33 U.S.C. 1314(a)(9)) is amended by inserting “and rapid testing methods” after “methods”.

(c) **CRITERIA FOR USE OF RAPID TESTING METHODS.**—Not later than 270 days after the date of enactment of this Act, and after providing notice and an opportunity for public comment, the Administrator of the Environmental Protection Agency shall publish criteria for the use of rapid testing methods, at coastal recreation waters adjacent to beaches or similar points of access that are used by the public, that will enhance the protection of public health and safety through rapid public notification of any exceeding of applicable water quality standards. In developing such criteria, the Administrator shall prioritize the use of rapid testing methods at those beaches or similar points of access that have the highest use by the public.

(d) **DEFINITION.**—Section 502 of such Act (33 U.S.C. 1362) is amended by adding at the end the following:

“(25) **RAPID TESTING METHOD.**—The term ‘rapid testing method’ means a method of testing the water quality of coastal recreation waters for which results are available as soon as practicable and not more than 6 hours after a water quality sample is received by the testing facility.”.

#### SEC. 6. NOTIFICATION OF FEDERAL, STATE, AND LOCAL AGENCIES.

Section 406(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(5)) is amended—

(1) by striking “prompt communication” and inserting “communication, within 24 hours of the receipt of the results of a water quality sample,”;

(2) in subparagraph (A)—

(A) by inserting “(i) in the case of any State in which the Administrator is administering the program under section 402,” before “the Administrator” the first place it appears; and

(B) by inserting at the end the following:

“(ii) in the case of any State other than a State to which clause (i) applies, all agencies of the State government with authority to require the prevention or treatment of the sources of coastal recreation water pollution; and”;

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(4) by inserting after paragraph (5) the following:

“(6) measures for an annual report to the Administrator, in such form as the Administrator determines appropriate, on the occurrence, nature, location, pollutants involved, and extent of any exceeding of applicable water quality standards for pathogens and pathogen indicators”.

#### SEC. 7. CONTENT OF STATE AND LOCAL PROGRAMS.

Section 406(c) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)) is amended—

(1) by striking “and” at the end of paragraph (7) (as redesignated by section 6(3) of this Act);

(2) by striking the period at the end of paragraph (8) (as redesignated by section 6(3) of this Act) and inserting a semicolon; and

(3) by adding at the end the following:

“(9) a publicly accessible and searchable global information system database with information updated within 24 hours of its availability, organized by beach or similar point of access and with defined standards, sampling plans, monitoring protocols, sampling results, and

number and cause of closures and advisory days;

“(10) measures for the immediate posting of signs at beaches or similar points of access that are sufficient to give public notice following the results of any water quality sample that demonstrates an exceeding of applicable water quality standards for pathogens and pathogen indicators for the coastal recreation waters adjacent to such beaches or similar points of access; and

“(11) measures to ensure that closures or advisories are made or issued within 24 hours after the State government determines that any coastal recreation waters in the State are not meeting applicable water quality standards for pathogens and pathogen indicators.”.

#### SEC. 8. COMPLIANCE REVIEW.

Section 406(h) of the Federal Water Pollution Control Act (33 U.S.C. 1346(h)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by moving such subparagraphs 2 ems to the right;

(3) by striking “In the” and inserting the following:

“(1) **IN GENERAL.**—In the”; and

(4) by adding at the end the following:

“(2) **COMPLIANCE REVIEW.**—On or before July 31 of each calendar year beginning after the date of enactment of this paragraph, the Administrator shall—

“(A) prepare a written assessment of compliance with all statutory and regulatory requirements of this section for each State and local government and of compliance with conditions of each grant made under this section to a State or local government;

“(B) notify the State or local government of such assessment; and

“(C) make each of the assessments available to the public in a searchable database on or before December 31 of such calendar year.

“(3) **CORRECTIVE ACTION.**—Any State or local government that the Administrator notifies under paragraph (2) that it is not in compliance with any requirement or grant condition described in paragraph (2) shall take such action as may be necessary to comply with such requirement or condition within one year of the date of the notification. If the State or local government is not in compliance with such requirement or condition within one year of such date, any grants made under subsection (b) to the State or local government, after the last day of such one-year period and while the State or local government is not in compliance with all requirements and grant conditions described in paragraph (2), shall have a Federal share of not to exceed 50 percent.

“(4) **GAO REVIEW.**—Not later than December 31 of the third calendar year beginning after the date of enactment of this paragraph, the Comptroller General shall conduct a review of the activities of the Administrator under paragraphs (2) and (3) during the first and second calendar years beginning after such date of enactment and submit to Congress a report on the results of such review.”.

#### SEC. 9. STUDY OF GRANT DISTRIBUTION FORMULA.

(a) **STUDY.**—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall commence a study of the formula for the distribution of grants under section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) for the purpose of identifying potential revisions of such formula.

(b) **CONTENTS.**—In conducting the study, the Administrator shall consider the base cost to States of developing and maintaining water quality monitoring and notification programs, the States’ varied beach monitoring and notification needs, including beach mileage, beach usage, and length of beach season, and other factors that the Administrator determines to be appropriate.

(c) *CONSULTATION.*—In conducting the study, the Administrator shall consult with appropriate Federal, State, and local agencies.

(d) *REPORT.*—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study, including any recommendation for revision of the distribution formula referred to in subsection (a).

**SEC. 10. PUBLICATION OF COASTAL RECREATION WATERS PATHOGEN LIST.**

Section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)) is amended by adding at the end the following:

“(C) *PUBLICATION OF PATHOGEN AND PATHOGEN INDICATOR LIST.*—Upon publication of the new or revised water quality criteria under subparagraph (A), the Administrator shall publish in the Federal Register a list of all pathogens and pathogen indicators studied under section 104(v).”.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose before the beginning of consideration of the bill and pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Are there any amendments?

Mr. YOUNG of Alaska. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Alaska. Madam Chairman, I deeply appreciate the recognition, and I do appreciate the chairman of the full committee and the subcommittee chairman, Mr. BOOZMAN, for the legislation we are discussing today; but I cannot sit idly by and listen to the people talk about the high cost of energy when there has been little action in this Congress, and I will say “this Congress,” the past Congresses and this present Congress about solving the high cost of energy to the American consumer, the \$4 a gallon that they’re going to have to pay.

The last time we passed any energy legislation on this floor was 1973. We passed the Trans-Alaska Pipeline. That’s the last time. At that time, we were importing 38 percent of our fossil fuels. Today, we are importing 70 percent of our fossil fuels. Mr. and Mrs. America, keep in mind 50 percent of that fossil fuels is coming from countries that are not friendly to the United States of America. We are sending them over about \$500 billion a year because this Congress, this Congress, has not acted to try to relieve the dependency on fossil fuel from abroad.

Now some people will say, and I listened to the young lady, we are going to take up alternate forms of energy, and I’ll buy that. I’ll put the little curlicue lightbulbs in. I’ll do that. I’ll save and turn down the thermostat. I’ll do that. I’ll, in fact, drive my automobile slower. Most people do not. But that doesn’t solve the problem of the energy we need to move product.

The chairman knows full good and well, being the chairman of the Transportation Committee, our economy is based upon the ability to move product to and fro within this Nation.

The ship it brings us is driven by fossil fuels. The truck, the plane, the automobile, the train is driven by fossil fuels. And if we continue to become more dependent, which we apparently are going to do under the leadership of this Congress, we’ll be in the point where we cannot move our product, ship them abroad which we produce, nor receive them. Seventy percent, again from foreign countries.

And yet we have a tremendous amount of fossil fuels, the United States of America, that’s not being developed. It should be developed. Offshore. Chukchi Sea, there’s more oil in Alaska than there is in the Gulf of Mexico at a relatively shallow depth. The coasts of California, the coast of Florida, the Rocky Mountains, the coasts of Virginia, North Carolina, and South Carolina has a tremendous amount of oil in the realm of about, I would suggest, 500 billion barrels of oil.

That’s available to the American public. But we have a leadership now in this Congress that believes that the world is coming to an end, led by Al Gore, that the world is coming to an end if we burn fossil fuels.

I suggest respectfully, Mr. and Mrs. America, if we do not lower that price to the small business community and to the person who has to commute to their work site, we are in a dire shape in this Nation as a whole. We have to address this issue.

I ask my colleagues, please quit buying this concept that we are going to do it with windmills and with sun power. Yes, we could use those things. Yes, we ought to use nuclear, and yes, we ought to use hydro. The wheel of energy should be developed, and this Congress has not done it. Has not done it. We have this idea we are going to solve the problem. Look at the energy bill we passed this year through this leadership. It produced nothing. Period. Nothing. That’s why the consumer today, in America, is going to that gas pump, and by the way, it’s a tax to him. Every man, woman, and child is paying \$2,000 a year to Saudi Arabia and countries such as because we sit idly on our hands doing nothing.

Madam Chairman, I suggest respectfully this Congress has to wake up. I listen to the political rhetoric of all of the presidential candidates, and nobody is addressing the energy issue other than the fact that we can’t burn fossil fuels because we are losing the icecap and the polar bears are in danger.

Think about this for a moment. Think about the American public and the need for economy-based, fossil fuel driven because it moves an object. We must address this. I’m asking my colleagues to understand that. Quit pandering. Quit pandering to the interest groups that really are trying to so-

cially structure our Nation through fear.

We have the fossil fuel. It is here. It should be developed. We should give the opportunity instead of restricting it, and that’s what we’ve done in this Congress. In my state alone we have ANWR. It’s passed this House 12 times. It passed the Senate once and Bill Clinton vetoed it. It’s got about 36 billion barrels of oil available 74 miles away from an existing pipeline. And this Congress will not step forth and address that issue alone because they say it’s going to hurt the environment, 74 miles away from the existing pipeline.

Madam Chairman, I suggest respectfully let’s get off our duffs, and let’s do the job we should for this nation.

Mr. PRICE of Georgia. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. I appreciate that, and I appreciate the opportunity to come to the floor today to talk about an issue that is of vital concern and importance to the American people. It may not have been what the majority party wanted to talk about today, but it’s what the American people want to talk about and that’s energy.

I don’t know if anybody had an opportunity to walk outside the United States Capitol today, but you heard trucks with their horns blaring outside the Capitol, and they were doing so because they were objecting to the leadership in this Congress and the lack of action on energy prices and gas prices. That noise resonates across this land, Madam Chairman. Resonates across the land.

I had a group of high school students in my office today, and they wanted to know what we were doing about energy. They’d heard that this Congress had passed the Energy Efficiency Act. They wanted to know about the particulars of that act. And so we reviewed the particulars of that act, and I said, how much more gas do you think will get to the pumps in communities across this Nation if we increase the taxes on American oil companies? Well, these are bright high school kids. They said, well, not much more. And they’re absolutely right, Madam Chairman, because the Energy Efficiency Act that this Congress passed in this session, in this term, will produce no energy. No new energy.

Mr. NUNES. Madam Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I’m pleased to yield to the gentleman from California.

Mr. NUNES. I was listening to your conversation on the floor. I want to reiterate what’s going on outside. You made the point, but there are trucks driving through this Capitol right now trying to drive around to raise awareness to the people of the United States that the gas price is too high. And meanwhile today, we are debating a bill on beaches on the floor of the House while gas prices are soaring to \$4 plus a gallon.

□ 1515

And so I thank the gentleman from Georgia for bringing this up and for yielding to me because this is something that we should be debating on the House floor. We should be talking about energy, not talking about how we're going to save the beaches.

Mr. PRICE of Georgia. Reclaiming my time, I appreciate your comments.

And if you think about what has changed in the last 15 months in terms of leadership here in Washington, it's not the other end of Pennsylvania Avenue. The only thing that's changed during the period of time when crude oil has gone from \$56 a barrel to \$112 a barrel, the only thing that's changed in terms of the leadership in Washington is the leadership in Congress. That's the only thing that's changed. There must be a cause and effect here somewhere, Madam Chairman, because gas prices are increasing, and the leadership has been woeful in not attempting to deal with this issue.

And so I would ask my colleagues to bring to the floor issues that are of paramount importance to the American people. The issue that's of paramount importance in my district is energy and gas prices. And this Congress is doing nothing about it, in spite of the proclamations and promises made during the previous election.

So, Madam Chairman, there are wonderful solutions out there, there are positive solutions. Conservation: We can do a whole lot more to incentivize individuals to conserve. Utilizing American resources for Americans, there's a novel thought, Madam Chairman. There are incredible resources that we have. And we've got the technology and the American ingenuity to do it in an environmentally sensitive way, and we ought to. We ought to. This leadership ought to allow that kind of issue to come to the floor.

And finally, alternative fuel. It's imperative that we have the kind of research and development and incentivizing alternative fuel formation in this Nation in ways that we've never done before, not pick winners and losers, which is what Washington tends to want to do, but to incentivize a system that would provide for wonderful, entrepreneurial, visionary, enthusiastic individuals all across this Nation who have the intelligence and the foresight and the desire to help America prevail in our energy independence.

So, Madam Chairman, I come to the floor today with a level of frustration by the inability of this leadership, apparently, to address the concerns of the American people, to address the concerns of those high school students that were in my office this morning, to address the concerns of those truckers, who continue out there outside the Capitol blaring their horns and saying, wake up. Wake up, Madam Speaker, wake up leadership in this Congress, wake up and address the issues that are of paramount importance to the Amer-

ican people. The paramount issue today is energy and gasoline prices, and we must, as a Congress, address that issue in a positive way.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded to address their remarks to the Chair.

Mr. NUNES. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. NUNES. I want to thank the gentleman from Georgia for bringing this issue up. And I know that the bill here today is this beaches bill, but the concern that I have is that we're not addressing the needs of the American people.

When the Democrats took the majority, we were told that we were going to go back to 5-day workweeks. Last week, we were in 3 days; we did two votes each day. This week, we've only done a couple votes each day. And here we are doing a bill that now I'm being told we're not even going to finish the bill today, a bill regarding beaches, while we have truckers going around the Capitol honking their horns, trying to get the attention of the United States Congress, to get the attention of the Democrat majority to do something about lowering their fuel price.

And the answers that we've received from the other side of the aisle are always the same answers: We need to repeal the tax breaks to the oil companies. Well, if we want to repeal the tax breaks to the oil companies, that's not going to lower the fuel price. As the gentleman from Alaska stated and the gentleman from Georgia stated previously, the way that you lower the fuel price and the way that you stop buying fuel from foreign countries is you have to drill in America. We have to drill for oil in America.

I'm a big supporter of solar energy and wind energy, they're great renewable fields, but we get less than 1 percent of our energy from these sources. So if we want to talk about renewable sources of energy, we're going to have to look seriously at nuclear power. We're going to have to look at using the oil that we have in this country if we don't want to buy oil from foreign countries. These are the types of things that we're going to have to do in this Congress. But unfortunately, we've made this commitment, supposedly, to the American people that we're going to work 5 days a week, but instead we only work a few hours a day and end up working 3 days a week. Today we have to get out of here by 4, I'm told, because the Democrats don't want to stay in so that they can get on an airplane and fly home. We're not even going to finish a bill on beaches. And meanwhile, the American people are outside this Congress driving their trucks, honking their horn, asking for the attention of this Congress, and this Congress is not paying attention.

We've got to do something to lower these fuel prices, Madam Chairman.

The Democrats are in control, they're in the majority. We need answers. My constituents need answers. They need their fuel price lowered. They need their electricity cost lowered. The only way we can do this is by building nuclear power plants, investing in wind and solar power, and drilling for oil in America.

And I would hope, as the gentleman from Alaska has stated over and over again, the last time we've gotten serious about drilling for oil in Alaska was 1973. 1973. And here we are, 35 years later, with no more oil production. Now we used to have at least half of our oil came from the United States, now we're less than 30 percent of our oil that comes from the United States.

And we send money to Venezuela, we send money to Saudi Arabia, and the other side of the aisle complains about it. But their only answer is that we need to repeal the tax cuts to the oil companies. So in their last energy bill, what did we repeal? We picked the American companies. We repealed the tax breaks on the American companies and we gave tax breaks to the Venezuela oil companies.

So I don't know what we're going to do in this Democrat majority to solve the country's problems. President Bush has said that he will sign a bill to drill for oil in America. He will sign any bill that promotes nuclear power. These are the answers that the American people need and they should demand from this Congress to have those answers.

And I would hope, Madam Chairman, that this Democrat majority listens to the truckers that are outside right now honking their horn trying to get this Congress' attention. And I am happy that at least on our side of the aisle, the Republican side of the aisle, we are taking this opportunity, during a bill that we're talking about beaches here, but we're trying to bring to the American people, to bring to the attention of this Congress that we need to lower the fuel price, and we need to do it today.

So with that, Madam Chairman, I will yield back the balance of my time.

Mr. WESTMORELAND. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Chairman, you know, it's interesting that we came here to talk about a beach bill, and we're finally getting a chance to talk about some energy because most American families are not going to have the money to drive to the beach this year.

We look at the price of gasoline right now. And I earlier quoted some of the quotes from the Democratic leadership about how they were going to get a grip and get ahold of the gas prices and bring them down. Well, since they've been in the majority, they have actually gone up \$1 per gallon, oil has gone up about 100 percent. And what are we

telling our people at home? I've got to go back and explain to the people of the Third District of Georgia that this week, rather than addressing the price of gas and our energy situation, that we did some beach restoration, which is a very worthy bill; we did some landscape conservation; we named some post offices; and we did some several other suspensions. But I've got to go back and tell them that, when they're standing there at the gas pump almost pumping \$4 a gallon into their car, that they need to realize something, they need to realize what the majority plan for our future price of motor fuel is.

The chairman, who I have a great deal of respect for, on the Transportation Committee, Mr. OBERSTAR, who's been here a long time and is very wise, but he projected or at least proposed a 5 cents a gallon hike for our infrastructure and \$1 per barrel on oil. The Energy and Commerce chairman is talking about a carbon tax. He's also talking about a 50 cent per gallon tax on fuel.

We're talking about taking away these tax breaks from Big Oil. You know, we can take away tax breaks from anybody, but I'm telling you, if you take a tax break away from a company that is manufacturing products in this country, they're not going to just absorb that loss, they're going to go up on the price of their product. So we're talking about maybe 55, 60 cents more a gallon.

So I've got to go back and tell my constituents, look, here's their plan: Their plan is to go up another 55 cents or so a gallon on your gas, another dollar on a barrel of oil, take away any tax breaks that the big oil companies have that hopefully they're passing on to you, and your Congress just spent \$30,000 to buy 30 bicycles. So they've got a great plan.

And I guess this is the great plan that we've heard about in so many of these quotes about how they were going to fix the price of gas. We've bought 30 bicycles at a cost of \$30,000; we're going to increase the price of gas 55 cents; we're going to take away the tax breaks for Big Oil so they can go up, increase the price on a barrel of oil. We're not going to do any domestic drilling. We're going to depend on changing light bulbs. We're going to depend on solar power. We're going to depend on windmills.

Now, Madam Chairman, I just don't know how much comfort that's going to give the people of the Third Congressional District of Georgia. In fact, I don't know that if I tell them that, that they're even going to believe that, that this body, this House, that is their answer to them paying \$4 a gallon for gas. It's just going to be hard for me to sell it. But if they will pay attention to what's going on up here, then I think they'll be convinced that these are the only things that the majority has brought forth.

We need to concentrate on being less dependent on foreign oil. We need to

look at our own future, our own lands, our own prospects of what we're doing. And as the gentleman from Alaska said, regardless of what you think about fossil fuels, we're going to be using it. And so we need to provide for ourselves.

And I think it's a shame that each and every one of us, and I know we're going to be through by 4 o'clock because, you know, we do need to get home, but we're not doing our job. We're not doing the business of the people when we constantly go home and people ask us, help us, help me, help me be able to put gas in my car to take my children to soccer practice, or go to school, or go to the beach.

So I'm going to go back and I'm going to say, I'll tell you what, we gave you some help. We're going to raise the price of gas and oil and we're buying bicycles.

Mr. TERRY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. Madam Chairman, I, too, rise, sticking up for American families that are struggling with the high prices of many products right now, most of which I hear from my constituents in Nebraska is about the price of gasoline at the pump. I hear about the groceries as well. And of course then when I see a bill like this, the bill that we have up now about making sure that our beaches are clean and we have plans for that, unfortunately under the leadership of the House and Senate currently now, my first thought isn't well, that's absolutely right, we need to keep our beaches clean. My first thought is, is this another environmental tool to make sure that we can't get to drilling in places where we need to get?

Now, the frequently asked question about gasoline prices is, what are you going to do about it? Well, we have a couple of options that I think could alleviate some of the pressure. One is, we can take the 1970s actions done by the Nixon administration to simply set the price. We will set the price. We will freeze them; \$3.30 at my home, we can freeze that. Well, what did that do? Created about a half mile line for gas. And then maybe if you pulled up to the pump, you might see that little white piece of paper that said "out of gas." We can go back to that. But the gas prices would be stable. But running out of gas begs the question, the question is, what's causing this?

□ 1530

Now, obviously it's just simple high school economic supply and demand, folks. What we have is that oil that we have access to within the United States, whether it's ANWR or off the Continental Shelf or shale in Colorado or other pockets that have been made into public lands and thereby inaccessible, what we've done is adopt a policy in this country that we want

to push the production or creation of fuel out of our country to foreign countries. That makes us reliant on foreign countries. In fact, about 60 some percent, about 63 percent, of our oil needs are imported. We use about 20 million barrels per day to meet our energy needs, and 14 million barrels per day are imported. So as other countries compete with us for that oil on the world market, prices increase. At the well head, just yesterday closing out the markets, sweet crude jumped \$2.30, hitting a new record of \$112.21, closing at the closing record of \$110.87 per barrel.

Now, we can ask what the solution will be. Do we just simply raise taxes on oil production, or do we say that it's part of our plan to make sure that we can become energy independent and secure this Nation's future? And I think the long-term answer can be the type of issues that we're dealing with, with alternative and biofuels like cellulosic ethanol, like hydrogen, but let's admit that those are a generation away if we make the commitment today. So what we need to do in the meantime is either be honest with the American citizens and say that our policy is to limit supply in a competitive global market, therefore, get used to \$4 and then \$5 per gallon of gas, or we allow the drilling to take place where we can produce more of our own resources of oil. And we can do that.

I asked the question the other day, how much oil and natural gas do we have access to within 75 miles of our coastline? The answer is "I don't know" because we have been blocked from being able to explore that. We can't measure that. That's wrong.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FLAKE:

Page 3, after line 8, insert the following:

(c) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to section 406(i) of such Act (33 U.S.C. 1346(i)) may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Madam Chairman, the focus of the Beach Act is to ensure that citizens enjoy recreational activity in the coastal waters and that they can do that safely. That should be the focus of the bill, and that's where I think we should keep the focus of the bill.

The purpose of this amendment is to make sure that the purpose of the bill is not to protect vulnerable Members, vulnerable incumbents. And, unfortunately, that's been the case with a lot of legislation that we have passed in the past. It just simply becomes a magnet for earmarks, for Member earmarks, to protect vulnerable Members

or to reward Members or to go towards Members in leadership or in high positions on particular committees.

The Beach Act authorizes a formula-based grant program to help implement State and local beach monitoring, assessment, notification programs. What we don't want to see is money bled off from these formula-based programs to Member projects. Unfortunately, that has happened. And if we don't think that it will happen with this bill, then we have our heads in the sand.

The purpose of this amendment is simply to say that none of the moneys authorized in this legislation will go toward earmarks, that all of the money as it is now will go toward formula-based funding.

Now, some might say that the Beach Act has not been historically earmarked. That is true. That's how it should remain. The problem is some of the legislation that has not been historically earmarked is now earmarked. In fact, when we passed the Homeland Security bill, which we celebrated today 5 years after, we were told this will not be earmarked. This will be formula-based grants, it will be spread out, but it will not be earmarked. And for 4 years that remained true.

But last year the legislation to fund the Department of Homeland Security had a boatload of earmarks in it. According to Taxpayers For Common Sense, the 2008 omnibus bill contained 128 earmarks worth more than \$400 million in Homeland Security funding. According to a story by the Hill, 115 new earmarks worth \$117 million were air-dropped at the last moment. These were earmarks that we said we weren't going to do anyway in a bill that we said we were not going to earmark. These were, obviously, to assist vulnerable Members.

Many were earmarks in the funding for FEMA's Predisaster Mitigation Program. This was a program intended to "save lives and reduce property damage" by providing funds for "hazard mitigation planning, acquisition, and relocation of structures out of the floodplain." In 2007 this program received \$101 million to fund competitively awarded projects with no earmarks. According to Taxpayers for Common Sense, in 2008 this program received a boost in funding to \$114 million, but nearly half of the amount, \$51.3 million, was tied to 96 earmarked projects, including earmarks for projects that should not have qualified for funding under the program.

So we could have earmarks in this beach program for projects that aren't even eligible under the formula-based funding that's currently here, and that's what we should all fear. This body has gone far too far over the past several years, under Republicans and Democrats, in bleeding off necessary funding for particular programs just to protect vulnerable incumbents during re-election or just to reward particular Members.

Some people will say, well, we know in Congress better than those faceless

bureaucrats in some department. Well, if that is the case, then we should have parameters. We should provide oversight. That's what this body is supposed to do. There is a process called authorization, appropriation, and oversight. And that's the process we need to follow, not circumventing that process by earmarking.

That's the purpose of this amendment. I hope that we can all agree that this is needed to ensure that this program is not earmarked in the future.

With that, Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. In the 109th Congress, we considered the reauthorization of the Appalachian Regional Commission. During consideration of the bill in committee, I proposed language to prohibit earmarks, which have been done time and again in the appropriation process, prohibit earmarks in the Appalachian Regional Commission appropriation process. The gentleman from Arizona supported my initiative, and I appreciated his support. It was the right thing to do.

Unfortunately, the committee did not include that language. When the bill came to the floor, I worked to defeat the bill because it did not have that prohibition on earmarks, and the gentleman from Arizona supported my initiative.

In the BEACH bill, or the Beach Environmental Assessment and Coastal Health Act, proposed by the gentleman from California, with whom I worked on this matter for a period of 6 or 7 years, both in his previous seating in Congress and during the time he was out of service in the Congress and when he returned, it's a good bill. The initial BEACH Act authorized \$30 million. About \$10 million has been appropriated each year. And the money goes out by formula to the States. There have never been earmarks. In the Appropriations Committee nor on the House floor have there ever been attempts to suballocate the funds. Each State receives a portion of annual appropriations based on a calculation of each State's varied beach monitoring and notification efforts.

Now, we know very well that \$10 million is insufficient, and because money is insufficient for a bill, that's often why, Madam Chairman, Members come with a proposal for an earmark to designate money so they are sure that their State or their beach or their city gets their, at least, perceived fair share of funding.

But it's never been done on this legislation, and we don't need any such limitation language. I think we have a fair formula, a specific focus on the base cost of the States of developing, maintaining water quality monitoring, notification programs, the mileage of the beach, beach use, the length of the sea-

son, and other factors that the administrator of the agency determines to be appropriate. That is fair, and I think Members of this body and of the other body recognize that it's fair; so they haven't attempted to tinker with it, and we shouldn't do that in this bill. This is a good piece of legislation, a fair piece of legislation.

Look, we bring this bill to the House floor under an open rule. It's one advocated by a Member from the other side, a Member for whom I have the highest personal regard, and then we have a succession of Members standing here complaining that we bring a bill to the floor under an open rule that should have been brought under suspension. If we had brought it under suspension, I suspect the same people would come to the floor, Madam Chairman, and complain that we didn't have an open rule.

So we're trying to do the right thing on the right piece of legislation, and we ought not to gimmick it with this proposal that is totally unnecessary for a limitation on earmarks. We ought not to adopt this amendment.

Mr. WESTMORELAND. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Chairman, I want to thank the chairman for bringing that up because I think every bill needs to be brought to the floor like this, an open rule, so we can have debate. This is a breath of fresh air to have an open rule. I can't remember the last time we had one. So this is a great thing that we have this. This is our republican action in letting people, our constituents, hear our different views on these bills rather than just having it jammed down our throats. So I agree with the chairman on this, and I hope more of these can be brought under an open rule.

Madam Chairman, I would like to yield to my good friend from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman from Georgia for yielding.

And I want to thank the gentleman from Minnesota, Madam Chairman. I could not agree more with virtually everything he has said. This is an important bill. It was brought here, and it has not been historically earmarked. That is great. We need to keep it that way. We need to keep, as he so aptly put it, Members from meddling in this. That's the purpose of this amendment, to keep Members from meddling with the formula-based program in the bill.

It was mentioned that it's unnecessary because it hasn't been historically earmarked. I suppose the same would have been said had I brought the same amendment last year to the Department of Homeland Security authorization bill or the appropriation bill because it hadn't historically been earmarked. We promised not to do that. But yet we have earmarked between \$500 million and \$1 billion, hundreds of



earmarks air-dropped at the last minute, never debated on the House floor, never debated, never an opportunity to amend them out. And that's what we are trying to do here is to protect this important legislation from the same fate.

It was mentioned that we have increased the authorization for money in this legislation. That is true. We did that in the FEMA grants in Homeland Security and then earmarked it. We increased it by a little and then earmarked it by a lot. It doesn't take conspiracy theorists to say that this might be happening here, that maybe this is what is going to be attempted here, to start earmarking this legislation, to get these programs that are funded by formula to instead fund Members who need protection in their re-election or who need to be rewarded in some other way. That's not how we should do business.

The purpose of this amendment is recognizing the importance of this legislation and making sure that Members don't meddle in it.

I thank the gentleman for yielding.

□ 1545

Mr. WESTMORELAND. And I want to thank the gentleman for bringing this amendment because a little ounce of prevention is worth a pound of cure. And so I think what we are doing, like he said, is just making sure that we are perfectly clear to anybody on the conference committee, or any other process that this bill goes through, that we're not to air-drop these earmarks that we never get a chance to discuss. It is very seldom that we get to discuss anything on the floor in the manner that we are being able to talk about this beach restoration bill as we are today. And so I think it is a great thing that we are having this open discussion.

Again, I want to comment that I hope that one day my constituents from Georgia's Third Congressional District, which is not that far away from the beach, will be able to have the money that won't pinch their budget to be able to drive to the beach. Right now in Georgia you're paying \$3.29 per gallon, which is \$1 more a gallon than we paid when the 110th Congress started. And we had all the empty promises and the smoke-and-mirror gadgets that came from the majority that they were going to somehow, that they had some kind of miraculous plan to lower gas prices.

We have yet to see that plan. We've talked about raising the fuel tax. We've talked about raising the price of a barrel of oil. We've actually purchased bicycles. And we have done a lot of different things. But the price of gas and oil continues to go up.

We had a bailout that caused our dollar to deflate. And that, itself, probably caused the price of a barrel of oil to go up. So I am waiting on that magic wand. I am waiting on that secret that Speaker PELOSI and Leader

HOYER and the whip, Mr. CLYBURN, all talked about prior to getting in charge.

It almost reminds me of a dog inside a fence that is really barking and yelping and wanting to get out and wanting to convince its master that it can go out and do the things that it wants to show that it can do. And then once it gets out of the gate, it just kind of lays down under a tree and scratches its ear or something.

So I am ready for some action. I think the American people are ready for action. Bring out this magic plan. Unveil it. Let's see it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, this amendment is a proposed solution in search of a problem. The Beaches Environmental Assessment and Coastal Health Act, or the BEACH Act, which this legislation amends, was introduced to limit and prevent human exposure to polluted coastal recreation waters, including those along the Great Lakes.

The initial BEACH Act authorized \$30 million annually to assist States and local governments to implement beach monitoring, assessment and public notification programs.

Funds authorized under the initial BEACH Act and under the legislation we consider today go either to the Environmental Protection Agency or are distributed to individual States on a formula basis.

Each State receives a portion of annual appropriations which have hovered around \$10 million based upon a calculation of the State's variant beach monitoring and notification needs.

The committee is aware of the concerns that the current formula utilized by EPA for the distribution of grant funds may not provide for an equitable allocation of funds among States at current appropriation levels.

Section 9 of this legislation requires EPA to conduct a study of potential revisions to the formula with a specific focus on base costs to States of developing and maintaining water quality monitoring and notification programs, the State's varied beach monitoring and notification needs, including beach mileage, beach usage and length of beach season and other factors that the administrator determines to be appropriate.

None of the funds appropriated under this legislation go out to the States or local communities under a "congressional earmark."

This amendment has no bearing on the authorities under the BEACH Act or EPA's beach program.

Madam Chairman, I yield back.

Mr. PENCE. I move to strike the last word.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

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

Mr. PENCE. I rise in strong support of the Flake amendment because the American people need taxpayer protection more than we need beach protection. Now I understand this is important legislation that Congress is considering today. And I do not rise to trivialize this bill. It has its moorings in and its heritage in bipartisan foundations. I rise, rather, to say that the time has come for this Congress to get serious in large ways and in small ways about the epidemic of earmarking that has taken hold of the Federal budget process.

In fiscal year 2008, according to one estimate, legislation that passed in one catch-all omnibus bill included some 11,610 earmarks in all of those different appropriations bills in the course of the year costing taxpayers some \$17.2 billion. It was the second highest number of earmarks any Congress has ever approved. It represented a 337 percent increase above fiscal year 2007.

What the Flake amendment says, in effect, is that none of the funds appropriated pursuant to this section may be used for a congressional earmark as defined by the House rules. Now, this is part and parcel of an effort by many of us that I believe, while it is being led by Republicans, I believe there are many in the other party who understand that earmarks is a cancer in the belly of the Federal budget. And we must address it.

The Flake amendment seizes this opportunity and this moment of this legislation that says that should the Beach Protection Act of 2007 be signed into law, that at no point in the future may it be used as a vehicle for earmarking. And as the author of this amendment has suggested, we have been assured in the past before that those things pertaining to homeland security, the Department of Homeland Security, would not become vehicles for earmarking, and they have.

And for my part, let me say this is not an issue that I am interested in demagoguing, Madam Chairman. For my part, through the course of my career up until very recently, I have requested earmarks and special projects for my district. But I must tell you, having negotiated when Republicans were in charge for earmark reform, having supported Democrat efforts for earmark reform, at the end of last year when I saw a catchall omnibus bill come to the floor of this Congress with hundreds of unexamined earmarks dropped in at the last minute in the dead of night that hadn't been subject to the scrutiny the American people demand, I knew it was time for a change. And so I had to tell the people of my district that I could no longer be a part of this flawed system. And I commend the gentleman from Arizona for his extraordinary leadership on this issue.

I want to challenge my colleagues to support the Flake amendment. But

let's just begin there. Let's support a moratorium on earmarking in this Congress. The American people know there is something fundamentally wrong with the way we spend the people's money, especially when it comes to earmarks.

Frankly, I used an analogy not long ago, Madam Chairman, of an airplane. When you're flying an airplane through the air, and the meters on the control panel tell you that something is wrong with the engine, the first thing you do is put the plane on the ground and get the hood open and find out what is wrong. Well, many of us who are advocating an earmark moratorium believe the time has come for us to put the plane on the ground in a bipartisan way, embrace an earmark moratorium and reform this system in the way that Congressmen FRANK WOLF and JACK KINGSTON have suggested in their commission format.

And let me say, as I close in strong support of the Flake amendment, that there is enough blame to go around on this earmarking business. I recognize earmarking came of age under Republican control of the Congress. And I am not rising here to point fingers. I am, however, rising to say that we need to change the way we spend the people's money. The only way we will do that is by embracing the bold leadership that Congressman JEFF FLAKE has brought to this Congress in connection with the Beach Protection Act, but it also means embracing a moratorium and coming together, Republicans and Democrats, liberals and conservatives, and saying we are going to push away from the table, and we are going to bring fundamental earmark reform to the American people. And that's my hope.

And I urge support for the amendment as a first step in that direction.

I yield back.

Mr. BOOZMAN. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Arkansas is recognized for 5 minutes.

Mr. BOOZMAN. I agree with Mr. FLAKE and Mr. PENCE about the situation of needing to earmark responsibly. And certainly earmarking to protect vulnerable Members, in fact, anything of that certainly is not for the good of the country and the good of Congress or whatever.

I guess what I question is that in this particular amendment, in this particular bill, I think it is inappropriate. This program is a formula-based grants program that has not been earmarked in the past and there's no plans to earmark it in the future.

We are not talking about beach restoration. We are not talking about beach reclamation. We are talking about a bill that allows States, allows beaches, to monitor pathogens so that when a family from Arkansas goes to Florida or goes to South Carolina, wherever they go, and they pull up, that they can, with safety, get out and

swim in the waters without it being a cesspool. I wish that more people would sneak an earmark in the night to protect their beach. Again, that is not going to happen with this bill. It is not the purpose of the bill.

So I would ask that we vote against this, and yet again I feel very strongly that what Mr. PENCE is saying, what Mr. FLAKE is trying to do with his amendment is appropriate, but not in this particular vehicle. I don't think that it pertains at all.

Mr. OBERSTAR. Would the gentleman yield?

Mr. BOOZMAN. Yes, sir.

Mr. OBERSTAR. I thank the gentleman for his very thoughtful comments, which I fully concur. But I also would like to take this opportunity to compliment the gentleman from Indiana for a very thoughtful, reasoned, balanced and principled statement that adhered to the purpose of the amendment and stuck to the principle that the underlying amendment addresses. Though I disagree with the outcome of his reasoning, it was a very thoughtful and a principled statement, more of the kind of discussion we ought to have on this floor.

I thank the gentleman for yielding.

Mr. BOOZMAN. I yield back.

Mr. CONAWAY. I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. CONAWAY. I, too, want to congratulate the majority party for bringing an open rule bill to the floor. It is a rare event. And hopefully our side won't wear out its welcome so poorly that this is the last open rule bill that is brought. I know it has to happen on appropriations bills, but we are not too excited about those coming later this year.

I rise in support of the Flake amendment. It is a pretty straightforward amendment that, to quote an often poorly used phrase, the opponent doth protest too much. I have not heard anything really as to why it is inappropriate for this to be attached to the legislation, how this would cripple the legislation, how this would prevent the monitoring processes, how this would prevent the grant-based programming from functioning. I have just heard arguments that "let's don't do it because we have never done it that way before."

And I am persuaded that under the Department of Homeland Security example, this idea of "let's just, because we have not done it before, we won't do it in the future." And I would prefer to have a straightforward statement in this important legislation.

We had an event this past year where a young man, although this legislation won't affect this because it happened in one of the lakes in Texas, where a young man had an amoeba-borne illness get into his brain, and it killed him. It was a freak and tragic accident. And obviously this legislation is aimed at trying to prevent similar type of oc-

currences on our beaches, coastal beaches I guess, but the idea that somehow because we have been pure in the past we will remain pure in the future. And our history here with respect to earmarks is anything but that.

So as we look at the Flake amendment and why it is important, I hope that someone can rise to say, here is a mechanical reason why it is inappropriate to have this earmark restriction, this statement, flatout statement that I think both sides can agree on. Because while earmarking doesn't really fix the overall spending pattern and the overall spending problem that we have in this Congress, because everybody knows that the annual budget is set, and every one of those nickels that get allocated to the Appropriations Committee will get spent, and most all of this earmark churn happens within that number. And so to the extent that we do away with all earmarks, it really won't impact the total amount spent.

□ 1600

My grandchildren, of whom I have seven, have a \$53 trillion debt staring them in the face because we have made \$53 trillion in unfunded promises to each other, issues that we think are important to my generation and my parents' generation, but we are taking their money to pay for it.

So anything that we can do to begin the process of restricting spending on issues like earmarks in this instance, on a bill that clearly works best on a grant-based formula, where the mileage of the beaches are assessed in each State and the money is parceled out that way as fairly as it can be, we can argue how much that money ought to be from time to time, but to expose it to the earmarking process I think is inappropriate.

I hope, like I said, that the Members who oppose the mechanics of this can help those of us who don't understand the mechanics understand why an earmark restriction that the Flake amendment would put in place cripples and hamstring this otherwise good legislation, because all of us want safe water to swim in and to play in, but we also want my grandchildren to be able to afford to address the issues they have in front of them some 50 years from now with their money. Quite frankly, it is going to take a Herculean effort among all of us here and everybody listening today to rein in that \$53 trillion in unfunded promises.

This House, as important as this legislation is, continues to ignore major problems facing this country, problems like the FISA reauthorization, problems like the war supplemental, problems like Social Security and Medicare and Medicaid. We continue to simply let those slide, and those failed actions have consequences.

We are going to add another one today, the Colombia Free Trade Agreement. By refusing to take action on the Colombia Free Trade Agreement, we have left more work undone as we

go about all this business. All of that has consequences. As many of my colleagues have said, it has consequences on energy policy, it has consequences on the fiscal policy of this country.

I think this is a simple step on a simple bill that would allow the fiscal operations of this process to go forward in an appropriate and in a correct manner. So, I urge my colleagues to support the Flake amendment, should we get a vote on that.

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

Mr. GARRETT of New Jersey. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Madam Chairman, I come to the floor also to speak in support of the Flake amendment. I was in my office almost a half-hour ago now when I saw the debate on the floor and my friend and colleague Mr. FLAKE was here speaking about his amendment, and I thought I would come down to hear his closing remarks and hear the other side then say that they agreed to the amendment, because I thought, in essence, this was an amendment that both sides of the aisle could reach across and find unanimity and agreement with, if we believed the rhetoric that we heard last year and if we believe the rhetoric we hear oftentimes from the other side of the aisle about their desires to rein in spending, to address the earmark situation problem and to work with Republicans to try to deal with it, as we heard during their campaign to come to the majority, as they have, and now on the floor as well.

To my surprise, and perhaps I should not be surprised to find that as of this time, a half-hour later into the debate on a simple amendment to say that we should not be having earmarks in this bill, a bill that never had earmarks before, the other side of the aisle, the Democrat side of the aisle, cannot agree to it.

Earlier, when the general debate on this bill was on the floor, I came to the floor and said that in light of all the issues that we are discussing right now, it is amazing we are about to go into the weekend break discussing beaches as opposed to some other fundamentally important issue striking at the hearts and the wallets of the American taxpayers and the citizens of the State of New Jersey as well, one principally which was the high cost of oil.

The Democrats have been in charge of this House now for almost a year and a quarter, and during that time we have seen the price of gas at the local gasoline stations go up by almost a buck. You would think that would be something first and foremost that they would be addressing. But, no, they are addressing a spending bill and beaches, as we have before us. Again, maybe I should not be surprised, because wasn't it HILLARY CLINTON who said that she has more ideas on spending than there are dollars in D.C.?

Well, in light of the fact that the other side of the aisle, the Democrat majority, will not even consider to support the Flake amendment, which would try to rein in some of that wasteful, wanton abuse that we see in earmarks here, apparently the Democrat House leadership is taking a page from HILLARY CLINTON's playbook. They too have more ideas on spending than there are dollars in D.C. to spend.

It was just indicated a moment ago, well, this is not the purpose of the bill, to do earmarks. Well, if it is not the purpose of the bill, then it should be an easy lift to support this amendment to eliminate earmarks from the bill.

Secondly, someone suggested from the other side, well, if we are going to do it in this one, we should do it in all other bills like this. I agree, and I am sure Mr. FLAKE would come to the floor as well and say he would put this in any bill coming to the floor, to say we should not have earmarks, and I think he just rose to that point.

Finally, the point was made, I think from this side of the aisle, well, it hasn't been done in bills like this before. What a better time than right now? And I commend the gentleman, Mr. FLAKE for bringing it to the floor. If not now, then when? If both sides of the aisle are as adamantly opposed to abuses of earmarks as both sides of the aisle say they are, why shouldn't they support the amendment by Mr. FLAKE?

Madam Chairman, I yield to the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, I thank the gentleman for yielding.

I believe that soon after this we are going to have a vote on this legislation. Again, this amendment is simply to preserve the bill as it is, to make sure that Members don't meddle in it. It is there to protect the waters and the beaches, not protect incumbents for reelection. That is what this is about.

Mr. GARRETT of New Jersey. Madam Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 117, answered "present" 1, not voting 55, as follows:

[Roll No. 182]

AYES—263

Aderholt  
Akin  
Alexander  
Allen  
Altmire  
Arcuri  
Bachmann  
Bachus  
Baird  
Barrett (SC)

Barrow  
Bartlett (MD)  
Becerra  
Biggert  
Billirakis  
Blackburn  
Blumenauer  
Blunt  
Bonner  
Bono Mack

Boswell  
Boucher  
Boustany  
Boyda (KS)  
Brady (TX)  
Braley (IA)  
Broun (GA)  
Brown (SC)  
Buchanan  
Burton (IN)

Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Capps  
Carnahan  
Carney  
Carson  
Carter  
Castle  
Castor  
Chabot  
Clay  
Coble  
Cohen  
Cole (OK)  
Conaway  
Cooper  
Costa  
Courtney  
Crenshaw  
Cuellar  
Culberson  
Davis (CA)  
Davis (KY)  
Davis, David  
Davis, Lincoln  
Davis, Tom  
Deal (GA)  
DeFazio  
DeGette  
DeLauro  
Dent  
Dicks  
Doggett  
Donnelly  
Doolittle  
Drake  
Dreier  
Duncan  
Edwards  
Ehlers  
Ellsworth  
Emerson  
English (PA)  
Eshoo  
Everett  
Fallin  
Feeney  
Flake  
Forbes  
Fortenberry  
Fossella  
Fox  
Frelinghuysen  
Garrett (NJ)  
Gerlach  
Giffords  
Gillibrand  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Gordon  
Graves  
Green, Gene  
Gutierrez  
Hall (NY)  
Hall (TX)  
Hare  
Harman  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Hill  
Hodes

Hoekstra  
Honda  
Hoyer  
Inglis (SC)  
Issa  
Jefferson  
Johnson, Sam  
Jones (NC)  
Jordan  
Kagen  
Kanjorski  
Kaptur  
Keller  
Kennedy  
Kildee  
Kilpatrick  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Knollenberg  
Kuhl (NY)  
Lamborn  
Lampson  
Langevin  
Latham  
Latta  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Loeb sack  
Lucas  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney (NY)  
Manzullo  
Marshall  
Matheson  
McCarthy (CA)  
McCarthy (NY)  
McCaul (TX)  
McCollum (MN)  
McCotter  
McCrery  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Moore (KS)  
Moran (KS)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Neugebauer  
Norton  
Nunes  
Pearce  
Pence  
Perlmutter  
Peterson (MN)

Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pomeroy  
Porter  
Price (GA)  
Putnam  
Radanovich  
Regula  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rodriguez  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Roskam  
Ross  
Royce  
Ryan (WI)  
Sali  
Saxton  
Schiff  
Schmidt  
Schwartz  
Scott (VA)  
Sensenbrenner  
Sestak  
Shadegg  
Shays  
Shea-Porter  
Shimkus  
Shuler  
Shuster  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Solis  
Souder  
Space  
Speier  
Spratt  
Stearns  
Sullivan  
Sutton  
Tancred  
Tauscher  
Taylor  
Terry  
Thompson (CA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Van Hollen  
Walberg  
Wamp  
Wasserman  
Schultz  
Waxman  
Welch (VT)  
Weldon (FL)  
Westmoreland  
Whitfield (KY)  
Wilson (OH)  
Wilson (SC)  
Wittman (VA)  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (FL)

NOES—117

Abercrombie  
Baldwin  
Bean  
Berkley  
Berman  
Berry  
Bilbray  
Bishop (GA)  
Boozman  
Bordallo  
Boyd (FL)  
Brady (PA)  
Brown, Corrine  
Butterfield  
Capuano  
Chandler  
Christensen  
Clarke

Cleaver  
Clyburn  
Conyers  
Costello  
Cramer  
Crowley  
Cummings  
Davis (IL)  
Delahunt  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dingell  
Ellison  
Engel  
Etheridge  
Faleomavaega  
Farr  
Fattah

Filner  
Foster  
Frank (MA)  
Gonzalez  
Green, Al  
Hastings (FL)  
Hayes  
Higgins  
Hinchey  
Hirono  
Hobson  
Holt  
Hooley  
Hunter  
Inslee  
Israel  
Jackson (IL)

Jackson-Lee (TX)	Napolitano	Schakowsky
Johnson (GA)	Neal (MA)	Serrano
Johnson, E. B.	Oberstar	Sherman
Klein (FL)	Oliver	Simpson
Kucinich	Ortiz	Smith (WA)
LaTourette	Pallone	Snyder
Lee	Pascarell	Stupak
Lewis (GA)	Pastor	Tanner
Lipinski	Paul	Thompson (MS)
Mahoney (FL)	Price (NC)	Tierney
Markey	Rahall	Towns
Matsui	Reyes	Tsongas
McDermott	Richardson	Velázquez
Meeks (NY)	Ros-Lehtinen	Visclosky
Melancon	Rothman	Walsh (NY)
Mica	Roybal-Allard	Waltz (MN)
Mollohan	Ruppersberger	Watson
Moore (WI)	Ryan (OH)	Watt
Moran (VA)	Salazar	Weiner
Murtha	Sánchez, Linda	Wexler
Nadler	T.	Wynn
	Sarbanes	Young (AK)

## ANSWERED "PRESENT"—1

Obey

## NOT VOTING—55

Ackerman	Fortuño	Payne
Andrews	Franks (AZ)	Pryce (OH)
Baca	Galleghy	Ramstad
Barton (TX)	Gilchrest	Rangel
Bishop (NY)	Granger	Rogers (AL)
Bishop (UT)	Grijalva	Rush
Boehner	Hinojosa	Sanchez, Loretta
Boren	Holden	Scott (GA)
Brown-Waite,	Hulshof	Sessions
Ginny	Johnson (IL)	Sires
Burgess	Jones (OH)	Skelton
Buyer	LaHood	Stark
Calvert	Larsen (WA)	Udall (CO)
Cardoza	Larson (CT)	Udall (NM)
Cubin	Lofgren, Zoe	Walden (OR)
Davis (AL)	Lowey	Waters
Doyle	Marchant	Weller
Emanuel	McNulty	Wilson (NM)
Ferguson	Musgrave	

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. JACKSON of Illinois) (during the vote). Members are advised there are approximately 2 minutes remaining in the vote.

□ 1632

Messrs. WEINER, MURTHA, INSLEE, CROWLEY, ABERCROMBIE, Ms. WATSON, Mrs. NAPOLITANO, and Ms. CLARKE changed their vote from "aye" to "no."

Ms. MCCOLLUM of Minnesota, Messrs. MITCHELL, BRADY of Texas, TIM MURPHY of Pennsylvania, SPRATT, HALL of New York, and MCINTYRE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall 182, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "no."

## PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Chairman, on Thursday, April 10, 2008, I missed three rollcall recorded votes due to unforeseen circumstances. Had I been present, the RECORD would reflect the following votes:

Rollcall vote No. 178—"yea"; rollcall vote No. 179—Rule providing for consideration of H.R. 2537—Beach Protection Act of 2007—"yea"; rollcall vote No. 180—Recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Na-

tion—"yea"; rollcall vote No. 182—imposes a no earmark limitation on a formula driven EPA grant authority for State beach water quality monitoring and notification programs—"no."

Mr. OBERSTAR. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BOYDA of Kansas) having assumed the chair, Mr. JACKSON of Illinois, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, had come to no resolution thereon.

## LEGISLATIVE PROGRAM

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

Mr. BLUNT. Madam Speaker, I yield to my friend, the majority leader from Maryland, for the purpose of inquiring about next week's schedule.

Mr. HOYER. I thank my friend, the Republican whip.

On Monday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. On Tuesday, the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business. On Wednesday, the House will meet at 10 a.m. for legislative business. And on Thursday, the House will meet at 8:30 a.m. and recess immediately to allow for the Former Members Association annual meeting, and will reconvene at approximately 10 a.m. for legislative business after the meeting is concluded.

We will consider several bills under suspension of the rules. The final list will be announced by close of business tomorrow.

On Friday, no votes are expected.

We will consider H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007; H.R. 5719, Taxpayer Assistance and Simplification Act of 2008; and H.R. 5715, Ensuring Continued Access to Student Loan Act of 2008.

In addition, we intend to consider at some point next week the bill we started today, H.R. 2537, to amend the Federal Water Pollution Control Act relating to beach monitoring. We will consider that to its conclusion.

Mr. BLUNT. I would ask my friend on the last bill you mentioned, the Ensuring Continued Access to Student Loan Act of 2008, H.R. 5715, is that the bill that was introduced this week?

Mr. HOYER. I am not sure when it was introduced, very frankly. It was marked up this week and reported out of committee. Whether it was introduced this week or not, I do not know.

As you know, Secretary Spelling has indicated this is a very severe challenge confronting student loans. Obviously we want to get ready for September in particular so families have

some confidence they will be able to secure loans for their children, or for young people going to college, securing the loans themselves.

Mr. BLUNT. That is a problem, and part of what I used to do before I came here involved that. I am anxious to see what the bill looks like. It is clearly a major problem out there.

On the vote we took earlier today, the rule vote on Colombia trade, if you listened to the debate, you heard two very different views of that debate. The view of my side was that this likely ends this discussion for this year, and the view I heard from the other side was not quite there at all. I am wondering if as the majority leader you have a sense of this bill, this agreement, whether it can come back to the floor this year or not.

Mr. HOYER. If the gentleman would yield, I would agree with the observation on our side. I say that, and it is obviously not humorous except to me.

The fact of the matter is I believe that what was said on this side of the aisle and what the Speaker has indicated was that this was sent down we believed contrary to normal practice not with agreement of the leadership and the administration on how this would be considered. The Speaker believed, and obviously the House did as well, that additional time was needed. This was not, the Speaker has indicated that, an attempt to kill this agreement. It still could come up. There still is going to be discussion between the administration and ourselves. We want to resolve some outstanding issues and discuss what we might reach agreement on with the President and the administration.

As you know, we began those conversations yesterday. You and I were down there at the White House together. We hope to continue and hope for positive movement. Regarding other agreements that are pending, we have not discussed nor ruled out the possibility that future trade agreements may be considered by this Congress.

Mr. BLUNT. I thank the gentleman. That was going to be my second question. There are two other negotiated agreements, and I believe what you just said was that this vote today was about the Colombia agreement only and those other agreements should not be prejudiced by the vote we took today, and perhaps the Colombia vote will not be either.

I felt strongly about this. I still do, but I hope my friend's comments are correct and there is some way to now actively pursue whatever discussions need to be had on Colombia.

But on the final two if I heard you right, the two that have been negotiated and have not been sent up yet, I think I am hearing you say this does not establish any new way of doing this, and I yield.

Mr. HOYER. I don't think this was intended necessarily to be precedent-setting. The precedent, of course, has