

McKeon Regula Souder
 McMorris Rehberg Stearns
 Rodgers Reichert Sullivan
 Mica Renzi Tancredo
 Miller (FL) Reynolds Terry
 Miller (MI) Rogers (AL) Thornberry
 Miller, Gary Rogers (KY) Tiahrt
 Moran (KS) Rogers (MI) Tiberi
 Murphy, Tim Rohrabacher Turner
 Musgrave Ros-Lehtinen Upton
 Myrick Roskam Walberg
 Neugebauer Royce Walden (OR)
 Nunes Ryan (WI) Walsh (NY)
 Pearce Sali Wamp
 Pence Saxton Weldon (FL)
 Petri Schmidt Weller
 Pitts Sensenbrenner Sessions Westmoreland
 Platts Sessions Whitfield (KY)
 Poe Shadegg Shays Wilson (SC)
 Porter Shays Wilson (VA)
 Price (GA) Shimkus Wittman (VA)
 Pryce (OH) Shuster Wolf
 Putnam Smith (NE) Young (AK)
 Radanovich Smith (NJ) Young (FL)
 Ramstad Smith (TX)

NOT VOTING—27

Berry Harman Rush
 Brady (PA) Mack Schwartz
 Brown, Corrine McHugh Sestak
 Christensen Meek (FL) Simpson
 Faleomavaaga Napolitano Slaughter
 Fattah Norton Tierney
 Feeney Peterson (PA) Weiner
 Filner Pickering Wilson (NM)
 Fortuño Rangel Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN
 The Acting CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1703

Mrs. McMORRIS RODGERS changed her vote from “aye” to “no.”

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 201, I was unavoidably detained with urgent constituent business. Had I been present, I would have voted “aye.”

Mrs. NAPOLITANO. Mr. Chairman, on rollcall No. 201, had I been present, I would have voted “aye.”

Stated against:

Mr. MCHUGH. Mr. Chairman, on rollcall No. 201, I missed the vote due to a meeting in my office with the Chairman of the Joint Chiefs of Staff. Had I been present, I would have voted “no.”

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. JACKSON-LEE of Texas) 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.

EXPRESSING SUPPORT FOR DESIGNATION OF APRIL 2008 AS NATIONAL CHILD ABUSE PREVENTION MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and agree to the resolution, H. Res. 1097, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1097, as amended.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 21, as follows:

[Roll No. 202]

YEAS—410

Abercrombie	Cooper	Hall (TX)	Lungren, Daniel E.	Pence	Smith (NE)
Aderholt	Costa	Hare	Perlmutter	Smith (NJ)	
Akin	Costello	Hastings (FL)	Lynch	Smith (TX)	
Alexander	Courtney	Hastings (WA)	Mahoney (FL)	Peterson (MN)	
Allen	Cramer	Hayes	Maloney (NY)	Petri	
Baca	Cuellar	Herseth Sandlin	Manzullo	Platts	
Bachmann	Culberson	Higgins	Markey	Poe	
Bachus	Cummings	Hill	Marshall	Pomeroy	
Baird	Davis (AL)	Hinchey	Matheson	Space	
Baldwin	Davis (CA)	Hinojosa	Matsui	Porter	
Barrett (SC)	Davis (IL)	Hirono	McCarthy (CA)	Speier	
Barrow	Davis (KY)	Hobson	McCarthy (NY)	Spratt	
Bartlett (MD)	Davis, David	Hodes	McCaul (TX)	Stark	
Barton (TX)	Davis, Lincoln	Hoekstra	McGovern	Stearns	
Bean	Davis, Tom	Holden	McHenry	Stupak	
Becerra	Deal (GA)	Holt	McHugh	Sullivan	
Berkley	DeGette	Honda	McIntyre	Sutton	
Berman	Delahunt	Hooley	McKeon	Tancredo	
Biggert	DeLauro	Hoyer	McMorris	Tanner	
Bilbray	Dent	Hulshof	Rodgers (AL)	Tauscher	
Bilirakis	Diaz-Balart, L.	Hunter	Rodriguez	Taylor	
Bishop (GA)	Diaz-Balart, M.	Inglis (SC)	Rogers (KY)	Terry	
Bishop (NY)	Dicks	Inslee	Rogers (MI)	Thompson (CA)	
Bishop (UT)	Dingell	Israel	Ros-Lehtinen	Thompson (MS)	
Blackburn	Doggett	Jackson (IL)	Roskam	Tiberti	
Blumenauer	Donnelly	Jackson-Lee	Rothman	Towns	
Blunt	Doolittle	Jackson-Lee	Royal-Allard	Tsongas	
Boehner	Doyle	Jackson-Lee	Royce	Turner	
Bonner	Drake	Jefferson	Ruppersberger	Velázquez	
Bono Mack	Dreier	Johnson (GA)	Ryan (OH)	Visclosky	
Boozman	Duncan	Johnson (IL)	Walberg	Walder (OR)	
Boren	Edwards	Johnson, E. B.	Walden (NY)	Walsh (NY)	
Boswell	Ehlers	Johnson, Sam	Walz (MN)	Walz (MN)	
Boucher	Ellison	Jones (NC)	Wánchez, Linda	Wamp	
Boustany	Ellsworth	Jones (OH)	Wasserman	Wasserman	
Boyd (FL)	Emanuel	Jordan	T.	Schultz	
Boysd (KS)	Emerson	Kagan	Sanchez, Loretta	Waterson	
Brady (TX)	Engel	Kanjorski	Sarbanes	Watson	
Braley (IA)	English (PA)	Kaptur	Saxton	Watson	
Brown (GA)	Eshoo	Keller	Schakowsky	Watt	
Brown (SC)	Etheridge	Kennedy	Schiff	Waxman	
Brown-Waite, Ginny	Everett	Kildee	Schmidt	Welch (VT)	
Buchanan	Fallin	Kilpatrick	Scott (GA)	Weldon (FL)	
Burgess	Farr	Kind	Scott (VA)	Weller	
Burton (IN)	Ferguson	King (IA)	Sensenbrenner	Westmoreland	
Butterfield	Filner	King (NY)	Wexler	Wexler	
Buyer	Flake	Kingston	Pallone	Shimkus	
Calvert	Forbes	Kirk	Pascrill	Shuler	
Camp (MI)	Fortenberry	Klein (FL)	Pastor	Wu	
Campbell (CA)	Fossella	Kline (MN)	Paul	Wynn	
Cannon	Foster	Knollenberg	Payne	Yarmuth	
Cantor	Frank (MA)	Kucinich	Pearce	Young (AK)	
Capito	Frank (AZ)	Kuhl (NY)	Slaughter	Young (FL)	
Capps	Frelinghuysen	LaHood			
Capuano	Gallegly	Lamborn			
Cardoza	Garrett (NJ)	Lampson			
Carnahan	Gerlach	Langevin			
Carney	Giffords	Larsen (WA)			
Carson	Gilchrest	Larson (CT)			
Carter	Gillibrand	Latham			
Castle	Gingrey	LaTourette			
Castor	Gohmert	Lee			
Chabot	Gonzalez	Levin			
Chandler	Goode	Lewis (CA)			
Clarke	Goodlatte	Lewis (KY)			
Clay	Gordon	Linder			
Cleaver	Granger	Lipinski			
Clyburn	Graves	LoBiondo			
Coble	Green, Al	LoBiondo			
Cohen	Green, Gene	Loebbecke			
Cole (OK)	Grijalva	Lofgren, Zoe			
Conaway	Gutierrez	Lowey			
Conyers	Hall (NY)	Lucas			

NOT VOTING—21

Ackerman	Harman	Rush
Berry	Mack	Schwartz
Brady (PA)	Marchant	Sestak
Brown, Corrine	Meek (FL)	Simpson
DeFazio	Peterson (PA)	Tierney
Fattah	Pickering	Weiner
Feeney	Rangel	Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 1½ minutes remaining in this vote.

□ 1721

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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 on H.R. 2537 and include extraneous materials in the RECORD.

The SPEAKER pro tempore (Mr. SERRANO). 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 further consideration of the bill, H.R. 2537.

□ 1723

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 further 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. JACKSON-LEE of Texas (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 4 printed in the CONGRESSIONAL RECORD offered by the gentleman from New York (Mr. FOSSELLA) had been disposed of.

AMENDMENT NO. 2 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 2, line 5, strike "2007" and insert "2008".

Page 2, line 8, strike "1346" and insert "1346(b)".

Page 4, line 1, strike "304(a)(9)" and insert "304(a)(9)(A)".

Page 4, line 2, strike "1314(a)(9)" and insert "1314(a)(9)(A)".

Page 4, strike lines 4 through 16 and insert the following:

(c) VALIDATION AND USE OF RAPID TESTING METHODS.—

(1) VALIDATION OF RAPID TESTING METHODS.—Not later than October 1, 2010, the Administrator of the Environmental Protection Agency shall complete an evaluation and validation of a rapid testing method for the water quality criteria and standards for pathogens and pathogen indicators described in section 303(i)(1)(A).

(2) GUIDANCE FOR USE OF RAPID TESTING METHODS.—

(A) IN GENERAL.—Not later than 180 days after completion of the validation under paragraph (1), and after providing notice and an opportunity for public comment, the Administrator shall publish guidance for the use at coastal recreation waters adjacent to beaches or similar points of access that are used by the public of rapid testing methods that will enhance the protection of public health and safety through rapid public notification of any exceeding of applicable water quality standards for pathogens and pathogen indicators.

(B) PRIORITIZATION.—In developing such guidance, the Administrator shall prioritize the use of rapid testing methods at those beaches or similar points of access that are the most used by the public.

Page 6, strike lines 13 through 19 and insert the following:

"(9) the availability of a geographic information system database that such State or local government program shall use to inform the public about coastal recreation waters and that—

"(A) is publicly accessible and searchable on the Internet;

"(B) is organized by beach or similar point of access;

"(C) identifies applicable water quality standards, monitoring protocols, sampling plans and results, and the number and cause of coastal recreation water closures and advisory days; and

"(D) is updated within 24 hours of the availability of revised information;

Page 7, line 6, strike "meeting" and insert "meeting or are not expected to meet".

Page 8, line 8, strike "on" and insert "on the Internet on".

Page 8, strike lines 10 through 24 and insert the following:

"(3) CORRECTIVE ACTION.—If a State or local government that the Administrator notifies under paragraph (2) is not in compliance with any requirement or grant condition described in paragraph (2) fails to take such action as may be necessary to comply with such requirement or condition within one year of the date of notification, 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."

At the end of the bill, add the following:

SEC. 11. ADOPTION OF NEW OR REVISED CRITERIA AND STANDARDS.

Section 303(i)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1313(i)(2)(A)) is amended by striking "paragraph (1)(A)" each place it appears and inserting "paragraph (1)".

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, my amendment makes a few technical and clarifying changes to H.R. 2537, as reported by the Committee on Transportation and Infrastructure on December 12, 2007.

First, it makes a technical change to section 5(c)(2) of the bill, substituting the word "criteria" for "guidance" to remove any potential confusion on the intent of this language.

Second, it makes a technical change to section 8 to address potential constitutional concerns raised by the administration on requiring States and local governments to perform certain actions.

The manager's amendment shifts the focus from requiring States and local governments to take certain compliance actions to conditioning a percentage of their annual BEACH grant should they choose not to take such actions.

And, third, it puts in a statutory deadline of October 1, 2010, for the Environmental Protection Agency to complete its evaluation and validation of "rapid testing methods" for the existing coastal recreation water quality criteria. This significant improvement to the bill will ensure that same-day monitoring data will be available before the end of the decade.

Finally, the amendment changes the requirement of section 303(i)(2)(A) of the Clean Water Act to ensure uniformity among States in the implementation of water quality criteria and standards.

This amendment will ensure that should a State choose not to incorporate potentially new or revised coastal recreational water quality criteria into their own programs, the burden falls on the Environmental Protection Agency to propose regulations for such State setting forth the revised or new water quality standards. This was the structure of the original BEACH Act with respect to the first round of water quality criteria that should be carried forward to subsequent revisions to coastal recreational water quality criteria.

The manager's amendment was developed jointly by the majority and minority staffs of the Subcommittee on Water Resources and Environment. I am unaware of any opposition to this amendment, and I urge its adoption.

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

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

Mr. BOOZMAN. Madam Chairman, I want to thank my colleague from Texas for offering this amendment.

While this amendment makes some technical and clarifying changes to H.R. 2537, the Beach Protection Act of 2007, it also makes some improvements to the bill since the Committee on Transportation and Infrastructure favorably reported the legislation in December.

This amendment will require the Environmental Protection Agency to validate and prioritize rapid testing methods by October, 2010; encourage local officials to make publicly available within 24 hours the results of water quality samples; reduces the amount a community may receive if it does not take corrective action when waters are out of compliance with water quality standards; and encourages State and local officials to adopt appropriate coastal and beach water quality standards.

I urge all Members to support the Johnson amendment.

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 Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Madam Chairman, I come to the floor in appreciation of the underlying intent of both the amendment and the underlying bill as well.

But I am mindful of the fact, as I come from the great State of New Jersey and as we think about the issue at hand, and that is our beaches and the shores generally, I was just talking with someone recently that due to the high cost of energy and the high cost of