



Legislative Bulletin.....April 10, 2008

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H.R. 2537—BEACH Protection Act of 2007

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$205 million over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: 0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

H.R. 2537—BEACH Protection Act of 2007 (*Pallone, D-NJ*)

Order of Business: H.R. 2537 is scheduled to be considered on Thursday, April 10, 2008, under a modified open rule ([H.Res. 1083](#)). The rule waives all points of order against considering the bill (except those for PAYGO and earmarks), provides for one hour of general debate, and makes in order those amendments that are preprinted in the *Congressional Record*. The RSC will send a document summarizing every amendment made in order as soon as they are made available.

Summary: H.R. 2537 reauthorizes the BEACH Act grant program. The total authorized discretionary spending under H.R. 2537 would amount to \$205 million over five years.

Authorized discretionary spending levels for the BEACH Act grant program—used by states and localities for coastal recreation water quality monitoring and notification programs—would be set at \$40 million a year from 2008 to 2012, up from the previous authorized spending level of \$30 million a year. This is an increase of 33 percent or \$50 million over five years. H.R. 2537’s \$40 million annual authorized spending level compares to an appropriations level that has averaged about \$10 million a year over the previous five years.

Additionally, H.R. 2537 authorizes discretionary spending levels at “such sums” for the cost of administering the grants program, which CBO estimates would amount to an additional \$1 million per year in federal spending, subject to appropriation.

In addition, H.R. 2537 would:

- require the EPA Administrator to publish criteria for use of “rapid testing methods” to be used by states with the aim of reducing the testing period of coastal water quality from 24 hours to 2 or 3 hours;
- require local officials to notify the EPA within 24 hours if results from a water quality sample do not meet water quality standards (a change from current law which requires such notification be given “promptly”);
- require states and local governments to post information about coastal water quality on a publicly accessible and searchable database;
- require state and local governments to submit an annual report to the EPA Administrator with a full accounting of “the occurrences, nature, location, pollutants involved, and extent of any tests that do not meet water quality standards”; and
- require the EPA to carry out a study on possible revisions to the formula for distributing money under the BEACH Act grants program.

Additional Background: The Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000, [P.L. 106-284](#), authorized grants for coastal states under the Clean Water Act to be used for monitoring and notification programs for water quality. The legislation authorized discretionary spending for the program, subject to appropriation, at \$30 million annually from 2001 to 2005.

According to the [committee report](#), the BEACH Act of 2000 “was introduced to limit and prevent human exposure to polluted coastal recreation waters (including those along the Great Lakes) by assisting States and local governments to implement beach monitoring, assessment, and public notification programs.”

According to CBO, over the previous five years, the BEACH Act grants program has received an average of \$10 million in appropriations. The authorization for the BEACH Act grants program lapsed at the end of 2005.

Possible Conservative Concerns: Some conservatives may be concerned with the higher authorized spending levels. H.R. 2537 would authorize the BEACH Act grant program at \$40 million per year, \$10 million a year above the previous authorized level (or \$50 million over five years). The annual appropriations for this program has averaged \$10 million a year over the previous five years, so this authorized spending level is 300% above the average appropriated level of the previous five years.

Committee Action: H.R. 2537 was introduced on May 24, 2007, and referred to the House Committee on Transportation and Infrastructure. On October 31, 2007, the full committee held a mark-up and ordered to bill to be reported, as amended, by voice vote.

Administration Position: No Statement of Administration Policy (SAP) has been released at press time.

Cost to Taxpayers: According to CBO, H.R. 2537 authorizes a total of \$205 million in discretionary spending over five years.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, H.R. 2537 increases the annual authorized spending level for the BEACH Act Grant program from \$30 million to \$40 million a year.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? The Committee on Transportation and Infrastructure, in House Report [110-491](#), states that, “H.R. 2537, as amended, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.”

Constitutional Authority: The Committee on Transportation and Infrastructure, in [House Report 110-491](#), cites constitutional authority in Article I, Section 8 but does not cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution. *[emphasis added]*

RSC Staff Contact: Brad Watson; brad.watson@mail.house.gov; 202-226-9719.
