

IN SUPPORT OF THE EPA RULE
CONCERNING TOTAL MAXIMUM
DAILY LOADS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

Mr. OBERSTAR. Mr. Speaker, the Environmental Protection Agency has taken a bold and necessary step toward fulfilling the promise of fishable, swimmable waters that the Congress made to the American people in the Clean Water Act nearly 30 years ago.

EPA has finalized the rule on Total Maximum Daily Loads. This will address the last frontier of the Clean Water Act—discharges from open spaces, runoff from land that gets into our waters through creeks and streams, into rivers, lakes, and estuaries.

EPA proceeded in all proper fashion in developing this rule. It provided for an extended comment period, which was further extended by Congress for a full 5 months. EPA subsequently received and responded to over 30,000 comments. The agency made changes in the rule to make it more flexible, more responsive, and more effective in addressing water quality needs. EPA even went as far as to withdraw the proposal for forestry, choosing to focus efforts on comprehensively, effectively, and thoroughly addressing the fundamental issue of runoff from nonpoint sources.

Notwithstanding this monumental effort, Congress responded with a direct assault on TMDL rule and the Clean Water Act.

Regrettably, it seems as though we go down this road every year—EPA seeking to advance protection of human health and the environment, and the Congress pushing anti-environmental riders in appropriations bills.

Just a few short weeks ago, the majority, with much fanfare, claimed to have adopted a policy of no anti-environmental riders in appropriations bills. Unfortunately, that policy lasted only until the first vote on a conference report, when the majority inserted language to prevent EPA from improving the quality of the Nation's waters. The majority's rider would prevent EPA from proceeding with the TMDL rule by prohibiting the agency from spending any money to advance the process of developing and implementing the program.

The opposition to the TMDL rule is badly misguided and fueled by an unwillingness to achieve water quality in a fair and timely manner. The TMDL process is an effective, rational, and defensible process by which to achieve the water quality goals of the Clean Water Act.

The EPA estimates that some 20,000 rivers, lakes, streams and other bodies of water in this country are polluted to the point of endangering public health. The TMDL rule would help states address this problem by setting a daily limit on the amount of polluting substances entering these waters, in effect, creating a "pollution budget" for them.

This is how the process works: First, states identify those waters where the state's water quality standards are not being met.

Second, states identify the pollutants that are causing the water quality impairment.

Third, states identify the sources of those pollutants.

Finally, states assign responsibility for reducing those pollutants so that the waters can meet the uses that the states have established.

We have made great improvements in water quality through the treatment of municipal waste and industrial discharges. Thanks to billions of dollars invested by industries and municipalities, these point sources are no longer the greatest source of water quality impairment. Nationally, the greatest remaining problem is nonpoint sources—not pollution from a single, easily identifiable source such as discharge from a sewer pipe, but from a wider area, such as runoff from a farm field or parking lot. Now, nearly 30 years after the Clean Water Act, it is time for the states to get all sources of pollution—including nonpoint sources—to be part of the solution.

I have heard the arguments that the TMDL rule is not based on science. In my considered judgment, the TMDL rule is not only based on science, it is based upon the facts.

Just this June, EPA published its biennial report entitled National Water Quality. This report provides Congress with information developed by the states, and the states tell us that there are still major water quality problems to be addressed. Further, the states tell Congress that for rivers, streams, lakes, reservoirs and ponds, the leading source of water quality impairment, by far, is runoff from urban lands under development and from those agricultural lands that are not properly managed to contain runoff.

The TMDL process is the most fair and efficient way to finish cleaning up the Nation's waters. The TMDL rule is not perfect, and EPA has been responsive in making adjustments to the rule. Many have criticized it, including some in the environmental community, but the TMDL process is the tool the states need to achieve water quality.

EPA has changed the TMDL rule to make it clearer and more responsive to the concerns of the agriculture community. EPA has also withdrawn in its entirety the rule relating to forestry, and has promised to work with stakeholders to develop a new rule sometime next year.

Now, the vast majority of the environmental community supports going forward. The Department of Agriculture supports going forward.

I applaud EPA for going forward, and will work to allow EPA to fully implement the rule and achieve the water quality goals of the landmark Clean Water Act of 1972.

FOREIGN OPERATIONS, EXPORT
FINANCING, AND RELATED PRO-
GRAMS APPROPRIATIONS ACT,
2001

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Lee amendment.

This amendment will provide the funds needed for finding a cure for HIV/AIDS.

Sadly, HIV/AIDS infects more than ten million young people around the world, making it the largest crisis children face.

Just as awful, this horrific virus has left millions of uninfected children orphaned by parents who have died of HIV/AIDS.

AIDS is destroying the lives and futures of our children here at home, and our children around the globe, and we are not doing enough to turn the tide.

What kind of crisis does it take before this Congress realizes we need to take immediate action against the global AIDS epidemic?

Immediate action requires measures of prevention and treatment.

Prevention must include world-wide educational and awareness campaigns. Our youth can't protect themselves if they don't know the facts about HIV/AIDS. I find it extremely disturbing that many children don't know how the virus is transmitted.

Like prevention, we must make treatment for AIDS a high priority.

The availability of certain drugs can make the difference between the death of a parent, child or individual and the possibility of a bright, healthy future.

Mr. Chairman, we need to mobilize every available resource, sparing no effort to fight the HIV/AIDS epidemic. Our Nation and those across the globe need help and they need it now.

I strongly urge my colleagues to support this amendment.

FOREIGN OPERATIONS, EXPORT
FINANCING, AND RELATED PRO-
GRAMS APPROPRIATIONS ACT,
2001

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Mrs. MALONEY of New York. Mr. Chairman, I join with my colleagues from Vermont, New Jersey, and New York in support of women and children around the world and rise in strong support of the Sanders/Smith/Slaughter/Maloney amendment.

This amendment increases USAID's Development Assistance Account by \$2.5 million dollars to assist non-governmental organizations in providing shelter and reintegration assistance to the millions of women and children who are victims of international trafficking.

The exploitation of our world's women and children in trafficking is a tragic human rights offense.

Many of these women and children are kidnapped, sold, or tricked into captivity. Instead of dreams of better jobs, better lives, they are trapped into a monstrous ordeal of coercion, violence, and disease. It is important that we protect and assist the victims of trafficking once they are rescued from their nightmare.

Shelters are needed so that victims have a temporary and safe place to stay, and where they can obtain medical services.

This amendment provides the much needed funds for buildings, resources and personnel that will temporarily care for victims, but it also provides resources to provide for the long term assistance that is required for complete reintegration of the victims.

The victims of trafficking, especially the victims of sex trafficking are often stigmatized and rejected by their families and communities.

Without the long term assistance, counseling, and follow up, many of these women and children are often left alone and remain at high risk and some of them are even re-trafficked.

Of course, there is more that needs to be done to stop the many human rights abuses inflicted on women and children around the world.

For many months, I have been exploring ways to stop the sex tourism industry, especially targeting U.S.-based businesses.

When I learned that a sex tourism business was operating in my hometown of New York City, I held a press conference urging the Queens DA to take action against this business.

In addition, I have contacted the Attorney General, Janet Reno, about strengthening current federal laws which already address sex tourism.

We must prevent trafficking and punish the predators that profit from the exploitation of women and children.

This amendment takes a significant step toward making a difference in the lives of women and children around the world.

Once again I commend my colleagues for introducing this amendment and providing assistance to victims of trafficking and urge a Yes vote on the Sanders/Smith/Slaughter/Maloney amendment.

ALL THE NEWS THAT'S FIT TO LEAK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, from time to time I insert articles into the CONGRESSIONAL RECORD which seem to make important points that my colleagues should read. Usually I accompany them with some explanation of why I think they are important. In the case of Michael Kinsley's superb article on Kenneth Starr's press secretary, the New York Times, and the ethics of leaking, no such commentary is necessary. I submit the article here.

[From the Washington Post, July 11, 2000]

I DID NOT HAVE LEAKS WITH THAT NEWSPAPER

IT'S NOT ABOUT SEX

(By Michael Kinsley)

No, no, it really isn't about sex this time. No one has even suggested that Charles Bakaly, former deputy to independent counsel Kenneth Starr, had sexual relations with New York Times reporter Don Van Natta. The accusation is that Bakaly leaked a story to Van Natta back in January 1999. Other than that small difference, though, the parallels are pretty tasty. Bakaly was—according to informed sources—a promiscuous

leaker who just got caught this time. As with Starr's main target, there is speculation whether he was hoodwinking the boss or had an "understanding." And Bakaly is in legal trouble not for the initial sin but for lying about it in the subsequent investigation. His trial starts Thursday.

Oddly, Bakaly's defenders seem unable on this occasion to keep the original behavior and the subsequent denials distinct in their minds. Because they feel there was nothing wrong with the leaking (and indeed a circuit court panel held as much last September), they feel it is unfair to punish Bakaly for the attempted coverup. The purity of obstruction of justice—the principle that it is wrong to give false answers in the criminal justice system, even to questions that never should have been asked—no longer beguiles them. Don't try to tell them it's not about leaks, it's about lying. They don't buy it. This time.

The New York Times, at least, is consistent. It opposed the impeachment of President Clinton and it opposes the prosecution of Charles Bakaly (in which the Times itself plays the role of Monica). "Ill-considered," thundered the Times editorial page July 8. "A regrettable denouement," it roared. Actually, that's more like a meow than a roar, isn't it? But then the whole world of leaks puts news media in a comically difficult position.

A friend of mine defends dishonest adulterous politicians on the grounds that (a) adultery should not be a public issue; (b) lying is inherent to adultery; therefore (c) lying about adultery should not be a public issue. Something similar might be said in defense of dishonest talkative public officials; (a) Leaking serves the public interest; (b) lying is essential to leaking, and therefore (c) lying about leaking serves the public interest. This might be said but never is said because it is too embarrassing. How can professional truth-tellers defend lying? So instead we deny step (b): that leaking and lying are inseparable.

The New York Times story that led to the Bakaly prosecution reported that "several associates of Mr. Starr" had said that Starr believed he had constitutional authority to indict a sitting president. As the story ran on, these unnamed associates chatted away about sundry implications of this factoid. But not Charles Bakaly! "Charles G. Bakaly 3d, the spokesman for Mr. Starr, declined to discuss the matter. 'We will not discuss the plans of this office or the plans of the grand jury in any way, shape, or form,' he said." Thus the Times not only allowed Bakaly to tell what the reporter knew to be a lie in its press, but it told a knowing lie itself. Bakaly did not "decline to discuss the matter."

Unless Bakaly actually wasn't the leaker, as he still maintains. This is pretty unlikely, unless Starr—who defended him for a while, then fired him after a supposed investigation—is a total dastard. But suppose Bakaly actually did not have leakal relations with that newspaper. In that case the Times has been reporting on the criminal prosecution of a man it knows to be innocent, while failing to report that rather pertinent bit of information.

The media also tend to be disingenuous, at least, about the general function of leaks. In this case, whether or not Bakaly was the leaker, and whether or not Starr was in on the plot, it was a strategic leak, intended to unnerve the Clinton forces during the impeachment proceedings. Most leaks are like this: not courageous acts of dissent from the organization but part of the organization's game plan.

And thus leaks often suck the media into a conspiracy of hype. Was the fact that Starr thought a sitting president could be indicted

really so new, so important, so surprising? (He never actually tried it, so intentionally or not, the leak turned out to be misleading.) In what the Times may have regarded as a somewhat backhanded defense of its scoop. The Washington Post editorialized that "this information was not really even news at all." The Times itself took the opposite approach, declaring that the story "was obviously of great national moment." Too small to matter? Too big to stop? Each is a plausible defense, but both can't be true.

The point here is not to pick on the Times. (Is that true? Sources inside my head, who spoke on the condition they not be identified, say it's hard to tell.) Let's say the point is that even the New York Times has leak fever. Its editorial last week, just after declaring that the Starr story was "of great national moment," suddenly pooh-poohed this historic scoop as merely "discussion Mr. Starr and his aides may have had with reporters about [their] deliberations." May have had? The story was what anonymous Starr aides had told the Times about their deliberations! In its pious agnosticism regarding matters it must know the truth about, the Times seems to be raising the possibility that it made the whole thing up.

Now that I wouldn't believe. Even if it said so in the New York Times.

FEDERAL LAND EXCHANGE PROGRAMS NEED TO BE HALTED AND FIXED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, a General Accounting Office report I requested on land exchanges confirms many of the concerns I have expressed over the past several years: too many land swaps by the Bureau of Land Management and the Forest Service shortchange taxpayers and are not in the public interest.

The GAO report released on July 12, entitled "Land Exchanges Need to Reflect Appropriate Value and Serve the Public Interest" (GAO/RCED-00-73), highlights numerous failings of the exchange program. GAO found that the agencies have wasted hundreds of millions of dollars swapping valuable public land for private land of questionable value, and the report concludes that the BLM may even be breaking the law.

According to GAO, the agencies "did not ensure that the land being exchanged was appropriately valued or that exchanges served the public interest or met certain other exchange requirements." GAO went on to state that "the exchanges presented in our report demonstrate serious, substantive, and continuing problems with the agencies' land exchange programs." In addition, GAO found that the BLM has—under the umbrella of its land exchange authority—illegally sold federal land, deposited the proceeds into interest-bearing accounts, and used these funds to acquire nonfederal land (or arranged with other to do so). These unauthorized transactions undermine congressional budget authority, GAO said.

The GAO recommended that Congress consider eliminating the programs altogether.

I believe that the appropriate step is to halt the programs and then fix them. In light of the