

tributary for the Great Bay, which is part of the National Estuarine Research Reserve System. The Great Bay Refuge is also nearby, which was established several years ago following the closure of Pease Air Force Base. The preservation of the Lamprey is a significant component to protecting this entire ecosystem.

The 11.5-mile segment, as proposed by our legislation, has been the focus of local protection efforts for many years. The towns of Lee, Durham, and Newmarket, local conservationists, the State government, as well as the congressional delegation have all come together in support of this legislation. I believe the management philosophy adopted by the Advisory Committee best articulates our goals for this legislation:

... management of the river must strike a balance among desires to protect the river as an ecosystem, maintain the river for legitimate community use, and protect the interests and property rights of those who own its shorelands.

I just cannot understand why, at this hour, with all the work and all of the background, that the other side would play politics on this issue. It is an outrage. I think everybody should know it. I hope the people in New Hampshire hear me and know it, that this very significant piece of environmental legislation is being deliberately held up for whatever purposes. I will leave people to decide.

But I do want to recognize two members of the Lamprey River Advisory Committee, Judith Spang of Durham, NH, and Richard Wellington of Lee, NH, who worked so hard and so long to pass this legislation.

I might say to them, I apologize to you for the outrage that is being committed here on the floor of the Senate tonight. This is not the way we should do business in the U.S. Senate. This is an environmentally sound piece of legislation. It has the support of the communities, support of the State, support of every single Republican on my side, the support of most Democrats on the other side, and it has been passed out of the committee unanimously. And here it is held up deliberately.

I find it an outrage. I do not know what I can do about it. Obviously, Senators have rights and I respect those rights. They have a right to object. But, having the right to object and objecting for good reason are two different things. There should be a good reason to object. There is no good reason to object to a piece of legislation that has unanimous support.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## MARITIME SECURITY ACT

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, we have been working very hard to get a unanimous consent agreement on a major piece of legislation, maritime security. It, I think, is urgent we get this legislation passed. It has bipartisan support. It is a major move in making sure that we have an American merchant marine. It also actually would save money. We have worked very hard to accommodate all of the interests and clear up some concerns about this major legislation.

I had hoped we could get an agreement tonight that would allow us to complete action with a series of votes tomorrow morning at 10 o'clock. It appears now that that may not be possible. I would like to announce now that there will be no further votes tonight. We will continue to work to see if we can get an agreement. We will have debate. Hopefully, we will get an agreement still tonight to have these stacked votes in the morning at 10 o'clock. We have not been able to reach that agreement.

Senator GRASSLEY has been here. He has made his statements. He has identified seven amendments that he is very interested in. We had an agreement that would have said that all debate on all amendments—we were trying to get an agreement that said seven amendments would be offered by Senator GRASSLEY, and if votes were necessary, they would all occur starting at 10 o'clock in the morning.

I think Senator GRASSLEY has had the opportunity to make his points on the bill in general. I know he would like to be heard on these amendments. I think that he has been reasonable in working out the framework of an agreement here, but we do not yet have it clear. But I think it is important we go ahead and notify Members there will not be additional votes tonight.

I will not make this unanimous consent request at this time. The distinguished manager of the bill on the Democratic side of the aisle, the great Senator from Hawaii, will be talking to Senators that are concerned.

I just want to emphasize, we are on the verge of passing major legislation. We have an agreement in hand that would limit the amendments, get it done, and get it to final passage. If we do not get this agreement tonight, I fear this bill will never get passed this year, because Senators will be leaving tomorrow around noon. If we cannot get the votes done tomorrow, if we are going to have seven votes—and we have no guarantee that we could even get those on Tuesday morning—plus on Tuesday of next week we are going to be very much into the continuing resolution debate. We need to get that done. That is the overall final agreement that will allow the Senate to leave for the year.

So I urge my colleagues, let us see if we can come to final closure on the

amendments and a series of votes at 10 o'clock in the morning. But I want to emphasize, no further votes tonight. We do not have an agreement at this point that we will definitely have votes at 10 o'clock in the morning but we will keep working on that. We will notify all Members through the rotary announcement and in every other way we can, but you should expect the possibility of votes in the morning at 10 o'clock.

Mr. President, I now turn to a statement so that Senators can be checking with their colleagues and see if we can get an agreement on the unanimous consent request.

The Senate has been considering this afternoon the Maritime Security Act, H.R. 1350. I urge my colleagues, when we do get an agreement, if we get an agreement, to support this critically important national security legislation.

H.R. 1350 will ensure that our Nation and our Armed Forces will have available a modern fleet of vessels, and reliable, loyal American crews to provide a readily available sealift.

It also puts at the disposal of the Department of Defense vast intermodal and management transportation assets that are essential to modern military logistics.

For the Department of Defense to duplicate the capabilities this legislation will provide would cost \$800 million a year—eight times the yearly cost of the entire maritime security program.

So this legislation is quite simply a cost-effective bargain for our Nation's security. It is also essential.

If any of my colleagues were undecided on this legislation before the recent crisis in the Persian Gulf, they should not be now. What has happened in the last 2 weeks has demonstrated that we must be prepared and able to act on our own when our national interest so requires.

During the Persian Gulf war in 1990 and 1991, we had the support of a worldwide coalition with almost unlimited access to staging areas, to modern ports and infrastructure, and to vessels and crews of many nations. Even then, however, some foreign-flag vessels and crews refused to enter the Gulf, or it took weeks to decide whether they would sail or not—delays that could have been catastrophic in certain circumstances or in future conflicts. Still, with U.S.-flag ships and crews carrying nearly 80 percent of all the seaborne cargo, the job did get done and, frankly, done quite well.

During this recent crisis, however, we are seeing that our relatively good fortune in that war was probably the exception rather than what might be the rule in the future.

For example, according to press reports, every Arab State, even those on our side in 1990 and 1991, condemned the strikes on Saddam Hussein.

Our B-52 bombers had to fly the long way around—all the way from Louisiana to Guam to the Middle East—in

order to avoid overflying countries that disagreed with the U.S. actions.

Our cruise missiles came from U.S. Navy ships in the Persian Gulf and could not be supplemented by aircraft based in Jordan, Turkey, and even Saudi Arabia because these nations could not permit their strikes to originate from their soil.

A proposed western-Iraqi no-fly zone was rejected because of our ability to use Jordanian, Turkish, and Saudi bases.

And France—France—refused to participate in the new expanded air patrol zone over Iraq.

I ask my colleagues tonight, what will happen in some future conflict if the issue is not just overflight rights but access to ports, transportation infrastructure, and vessels?

What will happen if the crews of foreign-flag vessels refuse to carry our supplies for political or even religious reasons?

What will happen if foreign vessels and foreign companies are pressured to take a walk?

During the Yom Kippur War in 1973, Arab nations pressured flag-of-convenience vessels not to sail to Israel—and they did not sail. It has happened before—and it will happen again.

In the future, we may have allies and vessels—and we may not. H.R. 1350, the Maritime Security Act, is an insurance policy that we will always have at least the essential minimum of vessels and crews ready and able to serve our Nation whenever they are called to do so.

We are, after all, the world's only remaining superpower—with global interests and responsibilities.

No nation in history has survived very long without a strong maritime, without a strong merchants fleet. The Navy cannot do the job unless there are ships to carry the cargo and to carry the men and women that need to get to a troubled site. I think that is a very strong reason to vote for this bill.

This bill is also clearly beneficial in many other respects. First of all, it is identical to the one that passed the House, so we can complete action and send this bill straight to the President for his signature.

By authorizing investment in the operation of U.S.-flag vessels, the bill would strengthen and improve our economy, also. It achieves the dual goals of improving defense and our economy because it is highly effective in the way it is set up. The private sea-lift capability that this program helps make available to DOD would come at a small fraction of the cost it would take to the Department of Defense to acquire the ships and the crews that would be needed.

By helping ensure that there is a U.S.-flag merchant fleet, the bill also would help ensure that there is a pool of U.S. citizen mariners to man DOD's own Reserve ships in times of emergency. We found out during the Persian Gulf War that if we had not had a lot

of old merchant mariners to come out of retirement, we could not have had the ships manned. They did come out of retirement, and a lot of them worked long hours. Obviously, they did the job.

It would help ensure that we will not have to depend on foreign vessels or crews to supply these ships overseas.

Economically, the bill would help ensure that our Nation's commerce is not entirely under the control of foreign-flag vessels. It would also help level the playing field for U.S.-based carriers whose foreign-based competitors usually operate under more generous tax codes and have other advantages.

In my own hometown, when I come over the bridge entering my hometown, I look down at the river and I see ships with flags from Panama, Liberia, Greece, Russia—no U.S. flags, no U.S. flags. That worries me. They are lined up along the docks, the grain elevators, and the other cargo-loading areas, right next to one of the world's most sophisticated shipyards where we build cruisers, destroyers, and LHD's, and there, right next to those various sophisticated ships and the construction that goes on, there lies a Russian ship or a Greek ship. There is something that is bent out of sorts in my mind to see that sight. I would like there to be a guarantee that we would have at least a minimum of U.S.-flag ships. This bill would do that.

On a program basis, this bill is a major improvement compared to the present support program for U.S.-flag vessels. This bill would reduce—I want to emphasize that, reduce—the annual payments per ship by perhaps as much as 50 percent and achieve similar reductions in annual program levels.

I worked on this bill for 2 years and I went into it saying we have to put the merchant marine fleet on a basis where we can call on them if we need them, and also where we will not waste money, and to save money in the way it is set up. That is what we have done. This will be a highly efficient program.

Let me also say that to the extent anyone has heard loose talk about this bill establishing a new program, that is not the case. A Maritime Support Program exists now. It is not as efficient as it should be, and it is not structured the way it should be, but we are changing that with this bill and continuing an existing program. It retains the benefits of the maritime program, but by far more efficiency. This is, in terms of real impact, a program streamlining, not creating a new program.

I am also pleased to tell my colleagues this bill would greatly reduce regulation accompanying the program. Our American carriers need to be able to respond quickly to meet foreign competition. If they have to wait for Government rulings before taking steps needed to meet foreign competition, it costs them money, it costs them business. So I need hardly say what the commercial consequences would be for these carriers.

The Nation, in turn, could lose the benefits of having privately owned U.S.-flag merchant ships. This has already happened to a large degree under the outdated present program. The ships are going down to nothing, and that is where we are headed.

If we do not pass this bill, we will not have a merchant marine in a very few years. If we do not have this program improved and in place when we go into the next century, there will not be a U.S. merchant fleet.

This bill would promptly end regulation concerning where vessels can go in foreign commerce or how frequently. Some of the regulations that have been on the books do not make any sense at all. Why should we have this kind of regulatory control of where they go in foreign commerce or how frequently?

It also would newly ensure the U.S.-flag carriers, like their foreign-based competitors, will have the flexibility to respond to commercial needs by time chartering or using space on the vessels of others—without having to ask our Government for approval. Why should they? If space is available and you can save money by using it, why should you have to go through the process of asking the Government's approval, and maybe even having it denied?

Other provisions eliminate reporting, recordkeeping and other requirements. When you are involved with the Federal program, there is plenty of that to be done if you get rid of some of the paperwork. With such changes, we can expect the executive branch to be able to implement the bill effectively and promptly.

The application process, for example, should not be burdensome and should require carriers to provide data only to the extent that it is necessary for decisions which the statute requires the agency to make.

The bill will allow our Nation to have the defense and economic benefits of a merchant marine but overhauls the past program so that we can achieve those benefits in a way that is far more cost efficient and reduces the regulatory burdens on the carriers.

Let me also make clear that, in taking up H.R. 1350, we are taking up a bill which is virtually identical to S. 1139 as reported by the Commerce Committee.

Very few provisions differ at all.

As a result, the Senate Committee report will be completely applicable as to the meaning of provisions of the House bill which are comparable to those in the Senate reported bill.

There are only a handful of aspects of the House bill that differ from the Senate bill. Let me note some of them.

Under the bill, carriers participating in the program are to be available to provide assistance to the Nation under certain emergency circumstances.

Compensation for providing resources which includes, for the purposes of this provision, services is required and is in addition to basic program payments

made by the Transportation Department.

The House bill differs from the Senate committee bill on a few aspects of this Emergency Preparedness Program [EPP].

One provision added on the House floor would make clear that a carrier's obligations under the emergency preparedness program do not continue when an operating agreement under the basic program is no longer in effect.

Another change made on the House floor would make clear that the range of circumstances in which the Defense Department can activate an emergency preparedness agreement is not limited to times of declared war, but also makes clear that the authority to activate an emergency preparedness agreement requires a significant event, and a considered and carefully coordinated decision.

These are both clarifying changes, consistent with the intent set forth in the Commerce Committee report.

The House bill would also specify, in proposed section 653(c)(3), that the amount of compensation paid under an Emergency Preparedness Agreement must be approved by the Secretary of Defense.

We support this clarification because it is DOD, not DOT, that is expected to provide this EPP compensation, which is in addition to basic program payments made by DOT. Section 653(c)(3), however, does not authorize the Defense Department to fail to meet the compensation requirements set forth in section 653.

Let me note here, in conjunction with the EPP, that we have seen some erroneous statements that this bill would eliminate the requirement in law today that U.S.-flag vessels be made available in times of emergency.

What the bill does is say that certain of today's statutory provisions would not be in effect for a vessel during such time as that vessel is covered by an Emergency Preparedness Agreement.

We have developed the EPP because it will provide more flexible, better sealift service to the Government than is available now.

This concept, which focuses on the whole transportation system and process, not individual vessels, has been worked on by DOD, and the industry for years.

That program allows for calling up U.S.-flag vessels to meet true emergencies, but it allows other options not expressly available under current statute.

The creation of this alternative is a plus for the Government. And, as I said, at such time as a U.S.-flag vessel is not covered by an Emergency Preparedness Agreement, the present statutes continue.

So, any statements that this bill removes obligations for vessel operators to help the Government in emergency is simply wrong. To the contrary, we have improved the program for the Government.

The House bill does not include the Senate bill's provision which would ensure that companies which choose to enroll their modern, foreign-flag vessels in this program do not have to incur additional costs to comply with Coast Guard vessel regulations.

I intend to continue to pursue legislative reform in this area, but the specific changes may not be enacted before implementation of this bill. In that regard, I want to make clear that the Secretary of Transportation has the authority, to swiftly take clear and conclusive administrative action in this area.

The Secretary can and should ensure that operators of modern vessels, vessels which the Coast Guard accepts as safe under international standards, will not incur additional vessel costs if they do what we want them to do—which is to put those vessels under U.S.-flag and enter into contracts under this program.

I will be looking to the Secretary to ensure that before a carrier changes the registry of a foreign-flag ship meeting international standards to United States to participate in this program, it will not be required to incur additional costs due to U.S.-flag vessel standards.

The House bill includes a provision, section 651(b)(4), not in the Senate bill. This provision specifies that, to be eligible for the program, a vessel "will be" eligible for U.S. documentation at the time an operating agreement is entered into for the vessel.

As a technical matter, this does not mean that the vessel must be eligible at the time the operating agreement is entered into, but means that it must be determined at the time the operating agreement is signed that the vessel will be eligible at the appropriate later point—as it cannot receive payments under the program until it is actually documented as a U.S.-flag vessel.

Also, under the Senate bill, a provision for certain vessel operators to notify certain U.S. shipyards with respect to certain possible construction opportunities was to be effectuated by having the vessel operator notify the Secretary of Transportation, who would, in turn, notify shipyards. It is our view that, under the bill, DOT has the authority to make an administrative determination to utilize such an approach, so that vessel operators would be able to meet the requirement without having to separately notify various shipyards.

While there are a handful of other differences between the House passed and Senate reported bill, these technical explanations indicate how small those differences are. Their relatively minor scope underscores that it is appropriate for us to proceed to pass the House bill and enact this long overdue legislation—so that the American people can receive the defense and economic benefits it provides at such a low cost.

Mr. President, I hope that our colleagues and those that are outside fol-

lowing this debate will review all of the remarks I have put in the RECORD, because I did go into some additional specific changes that we have made. That has been my intent all along, to improve the system and to save money while we are doing it. I think we have accomplished that in this bill.

I have worked with parties on all sides. Obviously, Senator STEVENS has been very involved in this, as has Senator INOUE, Senator BREAU, and Senator HUTCHISON has a lot of interest in it. We are this close to getting it done. And yet, because of the objection that we have heard so far tonight, we could lose this whole bill. I think it would be a great mistake. But I am going to yield the floor in a moment. I understand that Senator GRASSLEY will be back in just a few moments and he will then, hopefully, begin offering amendments. In the meantime, we will continue to work for a unanimous-consent agreement as to how it will be considered.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAMS. Mr. President, I rise to discuss some of the concerns I have about the Maritime Security Act, H.R. 1350, pending before the Senate today.

On March 6, 1996, I joined several of my colleagues in a letter to Commerce Committee Chairman PRESSLER requesting that additional hearings be held on this bill. While there had been one hearing, groups opposing this legislation did not testify. Since many groups vigorously oppose H.R. 1350, such as Citizens Against Government Waste, National Taxpayers Union, Citizens for a Sound Economy, Heritage Foundation, Competitive Enterprise Institute, CATO, and National Grain and Feed Association, we believe a hearing should be held to fully air these concerns.

That hearing did not occur. Nor did a markup of the Senate companion bill occur. We are today taking a controversial House bill from the desk that has not gone through the Senate process. The bill was rushed through the House in a similar manner and passed by a voice vote. I understand, however, that there are now many House Members who believe they did not have a good understanding of the bill at the time of the vote and would now have preferred a more thorough consideration.

Mr. President, maritime subsidies have long been on priority lists for termination by many deficit hawks. They were heralded by Republicans early in the 104th Congress as a prime example of corporate welfare that must be terminated. Correspondingly, it has been

known for some time that operating differential subsidies would be terminated. Now that we are closer to termination, the subsidies were dusted off and repacked in new authorization legislation called the "Maritime Security Bill." Now, subsidizing U.S.-flag ships, and their noncompetitive labor rates, is an important U.S. security interest.

National security is vitally important to me. But I am not convinced that this bill has raised national security concerns that justify the authorization of \$100 million to subsidize 50 U.S. ships to the tune of \$2 million a piece.

During the gulf war, the Government has the authority to call up commercial vessels receiving maritime subsidies. However, three-quarters of the ships chartered during the crisis were foreign-flagged—and only 20 percent of the cargo rode on these ships. Most of the cargo was carried on Government ships. There is also a ready charter market for commercial cargo vessels when more ships are needed. Further, the few U.S.-flagged ships that were called up didn't even deliver their 8 percent of the total cargo to the war zone. They transferred their cargo to foreign-flagged ships at foreign ports. And they charged the Government far more than the cost incurred by either military or foreign-flagged crews—on top of the subsidies.

There is no evidence that this continuation of the ODI subsidies would work any differently. Also, there is plenty of room for shipping companies to continue to substitute foreign flag ships if they are too busy, as they can now. Why subsidize ships that are not even available in crisis times? Doesn't that gut the intent of the national security argument?

Even the Clinton administration has admitted that this program is just one which is necessary to preserve union jobs by subsidizing higher U.S. maritime wages. Why not subsidize all union jobs, not just those of the maritime unions?

Mr. President, in my judgment, there are many reasons why we should terminate maritime subsidies, including cargo preference and Jones Act preferences. Since my colleague, Senator GRASSLEY, had done such a good job of presenting them, I will not repeat them other than to say that it is my preference that all of the maritime subsidies be terminated—for the industry to become competitive on its own without the Government crutch—and the burdensome Government regulations that come with the subsidies.

There is no reason to believe that the Government, during times of crisis, cannot call into service its own vessels, foreign-flagged ships owned by American companies, charter vessels or obtain this kind of assistance from our allies. These subsidies are not needed and should be terminated, as determined earlier.

Vice President GORE's National Performance Review recommended that

maritime subsidies be ended. In 1995, the DOT Inspector General recommended termination. A MIT study opposes them. Many deficit hawks decry the waste of taxpayers money.

Senator GRASSLEY has also determined that nine retired Navy admirals who originally supported the American Security Council's effort to promote this legislation now have questions about it and support additional hearings before further consideration. They were as snowed as our colleagues on the House side.

The extension of the shipbuilding loan guarantee program has also been criticized by many and deserves a closer examination as well.

The one positive aspect of this bill is the relief it gives the Great Lakes Ports, including the Port of Duluth, to cargo preference restrictions. While I would prefer to terminate this subsidy as well, the bill does give the ports the ability to compete based on price rather than whether the ship is U.S. or foreign flagged. While cargo preference laws act to subsidize U.S.-flagged crews, they can actually jeopardize jobs of dockworkers in ports, such as the Port of Duluth, where U.S.-flag ships are scarce.

Mr. President, I realize that this bill may pass. The proponents carry a lot of weight in this body, and the national security argument, flawed as it is, is one that many choose not to challenge. Again, I have great admiration for the good work of my colleague, Senator GRASSLEY, who is willing to call a spade a spade.

For that reason, and because of the great respect Senator GRASSLEY holds in this body, I would urge my colleagues to listen carefully as he offers his amendments to this bill. Each one of them attempts to ameliorate a serious concern in this legislation. They should not be dismissed for procedural or substantive reasons. They are not offered to filibuster the bill. They are offered to improve it. Each one should have been considered in a committee markup, which, again, was never held.

In my judgment, the Grassley amendments are no-brainers that should not be controversial. One would ensure that the ships receiving the subsidies are available for service, not foreign-flagged substitutes. Why would we subsidize ships that don't even have to be available in emergencies?

Another amendment would force U.S. seafarers to serve in these crises. If the Government is subsidizing sizable seafarer wages, shouldn't they be required to serve if called? Right now that is not a requirement. Senator GRASSLEY would include exceptions similar to those granted to military reservists. Again, what is controversial about this amendment?

The next Grassley amendment would equalize seafarer war bonuses to the same rate as military reservists. Right now they receive far more. Why?

An amendment would prohibit use of the subsidies for pro-maritime lob-

bying efforts. Last year we voted to restrict use of public funds from lobbying use. These funds should be restricted as well.

Another amendment would prohibit subsidies being used for campaign contributions. Subsidized wages of seafarers have enabled these workers to contribute 500 times more than other union workers to campaigns.

One amendment will require U.S.-flag ships and crews to deliver their cargoes directly to the war zone. Incredibly, now they can, and have, shifted their cargo to a foreign-flagged and foreign-crewed vessel at a port far from the war zone. They then can charge the Government U.S.-flag premium rates while providing lower foreign-flag rates. Or they can use a foreign-flag ship the entire route, receiving the same premium rates. Why is this acceptable if all of the proponents of this bill claim that we need a U.S.-flag capability.

The bill provides for fair and reasonable reimbursement during use by the Government. The Pentagon paid \$70,000 to the U.S. cargo ship operators to send war materials to the gulf. The foreign bid was \$6,000. This is wrong—a betrayal of the taxpayers. The last Grassley amendment would give the government the right to hire foreign-flag vessels if U.S.-flag costs are greater than 6 percent over the foreign cost. U.S. flags would also have to charge the government the same rate provided to volume customers.

If the amendments offered by Senator GRASSLEY are adopted, it would be easier for me to consider supporting this legislation. However, the entire premise for this bill is flawed. There simply is not a good case for this expenditure of taxpayers' dollars.

Mr. GRASSLEY. Mr. President, before I send an amendment to the desk, I am going to talk about the amendment. This is one of those seven amendments that I had suggested, and it deals with our seafarers being paid bonuses during time of war and to equalize the bonuses between people who are seafarers and the bonuses that people in our Navy would receive in the very same part of the world under the very same conditions.

If seafarers do decide to serve, I think I pointed out in my original remarks on the bill, they have many more options than people who are military. When the people in Texas were told by the President of the United States, "Pack up, you're going to go to Kuwait," the families had tears in their eyes, and we saw on television the men and women of America who are committed to the defense of our country respond to the Commander in Chief.

Seafarers have options: to go or not. And if seafarers do decide to serve and sail into the designated war zone, they are paid 100-percent base pay as a war-zone bonus. The military sealift command reported to me that one seafarer was paid \$15,700 for a 2-month Persian

Gulf war bonus. That is on top of the regular pay that they would get.

The most that our men and women in the regular military or Reserve could get for that 2-month period is \$300, or \$150 a month. So compare this \$15,700 for a 2-month war bonus for a seafarer with the \$300 that one of our men or women would have received during that same period of time.

But that isn't the end of it. Our seafarers are eligible for much more—much, much more. If their vessel is in a harbor that is attacked, a seafarer can get an extra \$400 per day. If their vessel is actually attacked, not just in the harbor that is attacked, they get an extra \$600 per day.

So the amendment that I am offering puts an end to this nonsensical approach and inequitable approach between our men and women in the regular military or Reserve compared with what the seafarers get. Taxpayers' support for seafarers' war bonuses will be limited to the level provided for the men and women in our Reserves and regular military.

This amendment makes very certain taxpayers don't pay seafarers higher war bonuses than the active military.

Seafarers get this extra 100-percent base pay. I think everybody would agree that this is clearly nonsense and unfair. It ought to be demoralizing to our troops to look at the paycheck of one person and have \$300 compared to the paycheck of a person in the same environment with \$15,700 and some. We ought to realize that this is inequitable. It might even be considered a huge waste of taxpayers' money, or it could be equitable to pay our men and women in uniform more.

The seafarers get incredibly large salary and benefits year in and year out from taxpayers supposedly so they will serve Uncle Sam when needed. It seems to me it is not right to gouge the taxpayers a second time when they are actually called into a war zone.

It is fair for them to get a bonus, but it is not fair for them to get a bonus well beyond what regular military people get who, by the way, get paid a lot less than the seafarers get anyway. I want to talk about the biggest war bonus paid to a civilian mariner assigned to an MSC ship during Operation Desert Shield/Desert Storm. On March 27, 1991, the Department of Defense approved the payment of war zone bonuses to those mariners operating in the Persian Gulf area west of 53 degrees east longitude. Civilian mariners were eligible for war zone bonuses equal to 100 percent of pay for each day their ships were within the designated war zone. Payments were effective retroactive to January 17, 1991, and ceased on April 11, 1991, the day of the final cease-fire.

The largest war bonus payment made to a civilian mariner aboard an MSC controlled ship was approximately \$15,700 for that 2-month period. The ship was anchored within the designated war zone area approximately 56

consecutive days. Consequently, the crew members earned larger payments than those assigned to other MSC controlled ships.

The vast majority of the MSC's vessels transported military equipment and other supplies from the continental United States and European ports to the Middle East. These ships were only in the war zone area for approximately 2 to 5 days per voyage. As a result, war bonus payments for these civilian mariners averaged approximately \$69.50 to \$1,467 per voyage.

The war zone areas for military personnel included the Persian Gulf, the Gulf of Oman, that portion of the Arabian Sea which lies north of the 10 degrees north latitude and west of the 68th degrees east longitude or the Gulf Aden and all of the Red Sea. This made it more likely that active-duty sailors would qualify for hazardous pay.

This is the guidance that clarified which bonuses are paid and when under Desert Shield/Desert Storm. The imminent danger pay on applicable contracts, the actual direct costs of a reasonable crew imminent danger pay mandated by compulsory regulations or collective bargaining agreements, not to exceed \$130 per month, are payable to each crew member under the following circumstances: Vessels in the Persian Gulf, the Red Sea, the Gulf of Oman, the portion of the Arabian Sea that lies north of the 10 degrees north latitude, west of the 68th degrees east longitude, or the Gulf of Aden, and vessels in this zone for a minimum of 6 days within one calendar month or 6 consecutive days beginning in one month and ending in the next, and vessels in this zone between August 2, 1990, and until the time in which the Secretary of Defense determines that an imminent danger no longer exists in the region. And the \$130 is not prorated. The full amount is paid to anyone satisfying the above criteria.

Time spent in the war bonus zone described below does not count toward the 6 days criteria.

Let me point out that my war bonus amendment is supported by the retired admirals. These were the admirals that I had named earlier. I think it is fair to say that retired admirals know that it is not fair to pay \$15,700 to a seafarer for 2 months, but only \$300 to our men and women in the reserve or the regular military and Navy.

In regard to the war bonus—because I just told you about the imminent danger pay—in regard to the war bonus, on applicable contracts, actual direct costs of the reasonable crew war bonuses, mandated by compulsory regulation or collective bargaining agreement not in excess of an extra 100 percent of the crew's base pay, exclusive of supply penalties, are payable to each crew member under these circumstances: The vessel is in the Persian Gulf west of the 53 degrees east longitude, a bonus is payable for any day or portion of a day in this zone continuing until one day after the ves-

sel passes east of the zone, and the vessel then is zoned between January 17, 1991 and the time when the final cease-fire marks an end to the hostilities, as referred to in the U.N. Security Resolution 686 of April 11, 1991.

Then we have next the war bonus for harbor attack. I gave a slight definition of this earlier. But this would apply in circumstances where war bonuses are applicable. It would then be \$400, payable to each crew member aboard a ship in a harbor which is attacked. This is MARAD's determination. Only one harbor attack bonus is payable per day. A harbor attack bonus is not payable to a crew member earning a vessel attack bonus for the same day.

Then we have the war bonus that applies, not to the harbor attack, but to the actual attack on the vessel. In circumstances where war bonuses are applicable, \$600 is payable to each crew member aboard a ship which is attacked. And that also is MARAD's determination.

There are certain document requirements. There is a requirement to submit imminent danger pay and war bonus invoices to appropriate MARAD paying offices in accordance with billing instructions clearly identifying which imminent danger war zone is being built, the corresponding dates and times in the zone. Note that the base wages must be identified for each rating, and MARAD then will request vessel deck logs and payroll sheets and individual pay vouchers containing crew's signatures for reconciliation of crew wages.

We have had some instances where seafaring unions sued the U.S. Government to obtain bonuses for gulf war trips. Seafaring labor unions sued the Government. According to this article, they sued the Government in an effort to win war bonus payments for their members who worked on Government cargo ships during the war against Iraq.

The Sailors Union of the Pacific, the Marine Firemen's Union, and the Seafarers International Union filed suit in Federal District Court claiming the U.S. Maritime Administration unfairly cheated their members out of hazardous duty pay. War bonus payments, of course, as I said are extra compensation for ship crews that go into risky shipping zones. Generally, crews get twice their regular pay, plus extra lump sum payments, should their vessels or harboring areas come under direct attack.

The shipping areas where war bonus payments apply are usually the traffic lanes within war zone areas designated by the White House. When the Persian gulf conflict began in 1991, the unions and the American President Line, a primary carrier for U.S. forces agreed to use a war zone designated by President Bush as the area where the war bonus payments would apply. However, the Maritime Administration later established a war zone area that was

smaller than the original White House designation.

The American President Line which operated 23 of its own ships, 11 Ready Reserve force ships for MARAD, argued that it had to use a smaller war zone area because it was relying on reimbursement from the Government for the Ready Reserve force operations.

The unions brought the case to an arbitrator from the Federal Mediation and Conciliation Service. Arbitrator William Eaton ruled that because of its earlier agreement, APL should pay seafarers on its own ships at war bonus rates for the entire zone established by the White House, but seafarers on the RRF ships could not be included, he decided. The union failed in an earlier attempt to get the Federal district court here to overturn the arbitration denial of war bonus payments to the RRF workers.

Another newspaper report on these bonuses says:

The Defense Department officials have agreed to reimburse civilian ship operators for war bonuses up to 100 percent of normal wages paid to seafarers who crewed scores of military cargo ships supplying the Persian Gulf. Although strict conditions will apply, the Navy notified ship owners this week that it will pay for war bonuses given to men and women who entered the war zone after August 2, 1990, the day that Iraq invaded Kuwait. The higher levels of benefit will be paid for voyages after January 17, 1991, when the United States launched its air war against Iraq. The bonuses will continue to be reimbursed until the formal cease-fire is declared by the United Nations according to a notice from the Military Sealift Command, the Navy agency in charge of the ocean transportation.

Marge Holtz, director of public affairs for the Sealift Command, said she did not know how many ship crews would be affected or what the total costs would be. She added that certain military censorship policies are still in effect and will not be relaxed until the cease-fire is declared.

Sealift commander Admiral Francis Donovan said in early March that 446 voyages had been made into the gulf during the first 7 months of the operation. Some individual ships, especially those under the U.S. flag, have made multiple voyages.

At its peak operation, Desert Storm-Desert Shield employed 128 U.S.-flag ships, 111 foreign-flag ships; crew sizes of the ship ranged from about 20 to more than 70 on some specialized vessels. According to the Sealift Command notice, crew members on the ships sailing through much of the Persian Gulf, the Red Sea, the Gulf of Oman, and portions of the Arabian Sea will have their war bonuses paid by the U.S. Government. The maximum of \$135 a month will be paid for voyages in the period leading up to January 17. After that and into the future, until the U.N. cease-fire, the war bonuses will be 100 percent of base daily wage of each crew member. The notice, however, will not ease one festering controversy with the U.S. merchant marine. It stems from the fact that reim-

bursment is not yet being made for ships that are part of the Government's Ready Reserve Fleet, a fleet of aging cargo ships kept for use in military enterprises. Seventy-eight ships for the Ready Reserve were activated to participate in the Persian Gulf buildup, and a fight is already on for war bonuses for those crews, said one West Coast maritime labor leader.

Whitey Disley, president of the Marine Firemen, Oilers, Watertenders and Wipers Association, said that shipping companies that operate Ready Reserve ships under contract to the Government are not paying war bonuses. Companies are refusing to pay, even though some of them have labor contracts that specifically call for war bonuses.

One such company is American President Line, Ltd., of Oakland, but representatives of the company indicated they will pay if the Government offers reimbursement.

"It looks like we will have to go to arbitration, a grievance procedure on this," the union leader said.

The issue is under "active review" by the Maritime Administration, the Transportation Department agency responsible for the Ready Reserve force. MARAD officials contacted this newspaper and had not responded with any comment at press time.

It is pretty complicated, Mr. President, but one thing that stands out here is that we do not have an equitable situation between people who are in the full-time military in a war zone with their life just as endangered as seafarers who get 100 percent base pay war bonuses. And remember, seafarer pay is already higher than what our military people get in the first place. It seems to me that we have a responsibility to our military personnel that they be treated fairly with the seafarers.

I want to alert my colleagues to actual amounts of money that are paid for these war bonuses to specific shipping companies. We paid \$29,197.56 to Gulf Trader of the All Marine Service; to the American Foreign Shipping Company, war bonuses we paid, \$40,512.48; to the American Overseas Marine, we paid a total of \$599,747.98. That is broken down into separate figures for eight different ships, ranging in payment from a small amount of \$5,937.58, all the way up to figures like \$253,334.18 and \$239,430.80 for a couple of other ships.

The International Marine Carriers received for two ships \$259,642 total; for the Interocean Management Corporation, war bonuses totaled \$369,279.27, ranging from a low of \$14,276 for one ship to \$105,884 for another ship; to the Marine Carriers, we paid \$55,299.47, ranging from a low of \$7,553 up to a high of \$30,000 for another ship, spread out over four ships. Marine Transport Lines received \$193,170. OMI Ship Management received a total of \$439,646. That is a grand total of \$1,987,496 war bonuses for these shipping lines.

As I stated previously, these are not the only bonuses that are available.

AMENDMENT NO. 5391

(Purpose: To provide for a uniform system of incentive pay for certain hazardous duties performed by merchant seamen)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 5391.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

**SEC. . UNIFORM PAYMENT FOR HAZARDOUS DUTY.**

Title III of the Merchant Marine Act, 1936 (46 App. U.S.C. 1131), as amended by section 10 of this Act, is further amended by adding at the end the following new section:

**"SEC. 303. PAYMENT OF MERCHANT SEAMEN FOR HAZARDOUS DUTY.**

"(a) IN GENERAL.—The Secretary of Transportation, in cooperation with the Secretary of Defense, shall establish a wage scale for hazardous duty applicable to an individual who is employed on a vessel that is used by the United States for a war, armed conflict, national emergency, or maritime mobilization need (including training purposes or testing for readiness and suitability for mission performance).

"(b) CONTENT OF WAGE SCALE.—The wage scale established under this section shall be commensurate with the incentive pay for hazardous duty provided to members of the uniformed services under section 301 of title 37, United States Code."

Mr. GRASSLEY. Mr. President, this is the language, this is the amendment that is going to bring war bonus parity between our seafarers—and added war bonus pay in some instances, 100 percent increases in pay—and regular military. Seafarers ought to get additional pay, because their life is endangered, but it must be equalized with that our full-time military personnel, who get a lot less for war bonuses for the endangerment that comes from being in a war zone situation.

We do this by giving the Secretary of Transportation, in cooperation with the Secretary of Defense, the right and power to establish a wage scale for hazardous duty applicable to an individual who is employed on a vessel that is used by the United States for a war, armed conflict, national emergency, or maritime mobilization need, including training purposes for testing for readiness and suitability for mission performance. And the content of the wage scale, then, as established, shall be commensurate with incentive pay for hazardous duty provided to members of the uniformed service under sections 301, title 37 U.S. Code.

I yield the floor.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, most respectfully, I wish to suggest that this



amendment is demeaning, unfair, and I say insulting to the civilian merchant mariner of the United States of America.

In World War II, I had the great honor and privilege of serving my country, and it is true that my pay, even as that of a captain, was less than that of most of the merchant mariners. But as a result of my injury, for the rest of my life, I will receive a pension. The merchant mariner who was injured in World War II is not receiving that pension. As a result of my service in the military, I received the bountiful gift of this Nation, the GI Bill of Rights. I received my law degree and my baccalaureate through the GI Bill of Rights. The merchant mariner who served during World War II did not receive the GI Bill of Rights. And because of my injury, Mr. President—and this sounds rather facetious—in order to assist me in my mobility throughout the neighborhood, my country gave me a car, an automobile. The disabled merchant mariner did not receive a car. Today, as a result of my injury in World War II, my wife and I receive full medical benefits for the rest of our lives. The merchant mariner doesn't receive that.

As a result of that, understandably, the merchant mariner said this will never happen again. So, since then, they have organized and they have said, "Though we cannot get the GI Bill, nor can we get lifetime pensions and hospitalization and dependents' benefits, we are going to insist that if we are going to stand in harm's way and risk our lives, we should be covered."

Mr. President, we are, by this amendment, comparing apples to coconuts—apples and oranges look alike in some cases, but this is apples and coconuts. I hope that at the appropriate time tomorrow morning—whatever my leader wishes to do—we will dispose of this with an overwhelming vote, because this is not fair. It is insulting to our merchant mariners.

Mr. STEVENS. Mr. President, unfortunately, the amendment that the Senator from Iowa has offered deals with another situation. Under this bill before the Senate, the U.S. Government will pay a flat fee for the use of the vessel fully crewed. What the shipowners pay the crew is a private matter. It will not affect the payment at all.

As I said in my opening statement, the problem with the Persian Gulf, Desert Shield and Desert Storm, was we had to go to get foreign shipping. And in most instances, the premiums extracted were 50 percent of the total cost, not just the crew cost. In some instances, it was double the charter price. In spite of that, crews refused to enter the war zone.

Now, the Senator's amendment deals with something that happened in the past, which would not be the situation in the future with regard to this bill. But even with regard to what happened

under Desert Shield/Desert Storm, I think the Senator forgets that we recovered the cost of our participation in that crisis, that war, from Kuwait and Saudi Arabia. This wasn't taxpayer cost that the Senator was talking about at all.

So, as I indicated, if we had had an agreement, I would not make a motion to table.

I now move to table the amendment. Under the leader's direction, there will be no vote on that tonight. The vote will occur tomorrow morning at 10 o'clock.

#### MORNING BUSINESS

Mr. STEVENS. Mr. President, I now ask unanimous consent that the Senate go into a period of routine morning business so that we can bring about the closing of this day, and we will continue on this bill tomorrow morning following a vote on my motion to table.

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

#### THE 125TH ANNIVERSARY OF THE SENATE LIBRARY

Mr. BYRD. Mr. President, Shakespeare wrote in *The Tempest*, "My library was dukedom large enough." With those few words he expressed the satisfaction, fulfillment and power available through the knowledge recorded and preserved in a well-stocked library.

With those thoughts in mind, I rise to pay tribute to the 125th anniversary of the establishment of the Senate's own "dukedom," the Senate Library.

The Library of the Senate is a legislative and general reference library that provides a wide variety of information services to Senate offices in a prompt and timely fashion.

It maintains a comprehensive collection of congressional and governmental publications, and of materials relating to the specialized information needs of the Senate: government and politics, history, political biography, economics, international relations and other topics. The Library's resources and services are dedicated to providing the Members of the Senate and their staffs with critically needed information on issues affecting legislative deliberation and decisionmaking.

The origins of the Senate Library can be traced back as early as 1792 when the Senate, then meeting in Philadelphia, directed the Secretary "to procure, and deposit in his office, the laws of the several states, for the use of the Senate," as well as maps of the country. During the first half of the nineteenth century, the Chief Clerk of the Senate added to these materials by collecting copies of the bills, resolutions and reports of each Congress. By the end of the 1850's, the need for a library

to maintain this collection had become evident; efforts to establish the library culminated in resolutions in 1870 to designate rooms to be fitted—and I quote from the *Senate Journal*—"to hold and arrange for the convenience of the Senate books and documents now in charge of the Secretary of the Senate."

Let me say that again: "to hold and arrange for the convenience of the Senate books and documents now in charge of the Secretary of the Senate."

The first librarian to be appointed was George S. Wagner, who officially commenced his duties on July 1, 1871.

While today's Senate Library continues to maintain the core collection of legislative materials that necessitated its establishment 125 years ago, its operations have been transformed by modern technology. The current Senate Librarian, Roger K. Haley, is a veteran of 32 years in the library, and he has witnessed the transition from a completely paper-based service to one that now relies as well on electronic databases, the Internet, and microform. Another significant change occurring over the last twenty years has been the growth in professional staffing in response to the more diverse and sophisticated information needs of Senate patrons.

More than half of the current library staff of 22 consists of highly skilled librarians trained to meet the special requirements of Senate offices. This dedicated team performs an outstanding job in responding quickly to the some 70,000 inquiries that were received last year.

It is a pleasure for me to take this opportunity to commend the Senate Library for its vital service to the Senate and to extend a warm congratulations as it celebrates its 125th anniversary year.

Thomas Carlyle wrote that, "All that mankind has done, thought, gained or been: it is lying as in magic preservation in the pages of books."

Especially in this day and age when our Nation faces the turmoil of dramatic, far-reaching change, the knowledge, wisdom, and experience available to us through the source of an extensive and efficient in-house library is critical to helping us make considered judgments.

I thank all of the fine personnel involved with the Senate Library for helping us to light the corridors of our minds so that we may better lead the way for our Nation.

Mr. President, I know of no Senator—I would not have any reason to know if there were—any Senator who calls upon the Senate library more than I call upon it, more than my staff and I lean upon it and depend upon it. And I want to express my gratitude to the people in the Senate library who always respond so courteously and are so cooperative.

So there is a list of 16 persons who have served the Senate as Librarian