

his wife, Ruth Calale Elleman, all the best as they enjoy the time they have earned.

On a personal note, I want to say I look forward to seeing the Ellemans very soon and often in years to come.

DEEPWATER PORT MODERNIZATION ACT

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. HAYES. Mr. Speaker, I am proud to rise today with my Louisiana colleagues, both Democrats and Republicans, to introduce the Deepwater Port Modernization Act—legislation to amend the Deepwater Port Act of 1974. Our efforts go to the heart of the battles this year in Congress to change the anticompetitive, overregulatory approaches of the past and streamline and focus Government's role overseeing American businesses.

Clearly, when this legislation originally passed Congress over two decades ago, the oil industry faced markedly different challenges than the industry encounters today. There was much concern that the efficiency and environmental advantages offered by deepwater ports would so eclipse the market that they would monopolize the bulk of oil transportation to shore.

To the contrary, in the 22 years since this legislation passed Congress, there is only one licensed deepwater port, the Louisiana Off-shore Oil Port or LOOP. Unfortunately, despite Congress' original miscalculation on the ability of deepwater ports to control the market, the burdensome environmental regulations of the seventies remain in place.

First of all, our legislation would promote the efficient transportation of crude oil from the outer continental shelf [OCS] of the Gulf of Mexico, which is currently not listed as one of the priorities of the act. New technologies have resulted and will continue to undoubtedly result in increased production of OCS oil. Without a more cost effective and environmentally sound means of getting the oil to market, expanding production of our domestic resources in the gulf will occur more slowly to the detriment of the consumer. Deepwater ports will allow us to utilize the increased OCS production and capitalize on the estimated 15 billion barrels untapped in the deepwater of the gulf.

Second, our bill would repeal the antitrust provisions of the 1974 act and clarify the intent of the 1984 amendments in order that deepwater ports may better respond to market conditions to set rates, terms, and conditions. Deepwater ports are highly regulated due to the aforementioned belief that monopolies would form. But, nothing could be farther from the truth. Deepwater ports have many strong competitors that can constantly and instantly adjust their own rates. Our bill will level the playing field to encourage competition by providing deepwater ports such as LOOP with the same rate structure as their competitors.

Additionally, our legislation would simplify the regulatory framework under which deepwater ports function. The bill replaces the three-tiered system of requirements on deepwater ports—overlapping Federal regulations, licensure provisions, and operations manual—

with the requirement that a port comply with the published guidelines of the Secretary of Transportation for a facilities operations manual. Furthermore, a licensee's operations manual, and proposed changes to the manual, shall be approved and reviewed by the Coast Guard.

LOOP currently pumps approximately \$32.7 million in direct and indirect revenues in Louisiana's economy, not to mention additional impacts from other economic multipliers and benefits from a more environmentally safe transportation system. Because LOOP is only operating at about 63 percent of capacity, there is clearly room for expansion and for construction of more such deepwater facilities.

We, accordingly, must correct the provisions within the current law which are stifling market usage of deepwater ports and burying with archaic government regulations what would be another efficient transportation source. Mr. Speaker, my Louisiana colleagues in the House and the Senate join me in requesting that Congress take action to clarify the intent of the 1974 act to promote the usage of deepwater ports by eliminating duplicate and unnecessary licensure and other requirements. It is clear that, while the market has changed, the conclusion of the seventies that deepwater ports can bring substantial financial and environmental savings to oil transportation remains true. We must act responsibly this year to ensure that deepwater ports are allowed to operate in the future in a way to maximize competition and minimize unnecessary regulatory barriers which prevent efficient, environmentally protective commerce in this country.

FIGHTING PORNOGRAPHY ON THE INTERNET

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. DORNAN. Mr. Speaker, we are discussing the telecommunication bill which is a large and complicated piece of legislation. Buried within this complex labyrinth of highly technical legislation is an important provision that attempts to control child pornography on the Internet. This provision gives us false security to believe that we are dealing with this heinous crime. However, the reality is that the provision does not have the power to eradicate computer pornography. Mark my words: We will have to come back to this issue 6 or 7 months from now trying to fix the deficiencies in this provision. Read about the German experience and laws.

Mr. Speaker, I highly recommend to my colleagues the following article by Patrick Trueman, one of America's foremost legal experts in the area of child protection and the former Director of the Child Exploitation and Obscenity Office in the U.S. Department of Justice.

PORN ON THE INTERNET, HERE AND ABROAD

(By Patrick A. Trueman)

Compuserve, one of the nation's top Internet access providers, temporarily blocked more than 200 sexually explicit sites recently because a German prosecutor thought the provision of such material by the company to German citizens violated that country's law. Compuserve may have

reason to fear German law but seems safe in providing pornography to American citizens, even children. That is because Congress is contemplating passage of a telecommunications bill which will protect Compuserve and all Internet access providers from criminal liability for the provision of similar material to anyone, including children.

Yes, the bill in question contains specific protective language for those access providers who make millions distributing pornography, even hard-core pornography, to children and others. Sen. James Exon, Democrat Nebraska, and Rep. Rick White, Washington Republican, are responsible for this political favor. They are the principle authors of the Communications Decency Act, which they have characterized as a measure to control computer pornography.

Computer pornography should be eradicated, not controlled. Senator Exon originally proposed a bill that was a simple, straightforward prohibition. His top staffer on the bill frankly admitted to me that he caved in to demands of access providers under heavy lobbying pressure by them and thousands of Internet users. The interests of Rep. White are patently obvious. In his Washington state district is the headquarters of major Internet access provider, Microsoft.

Last year when the telecommunications bill was in committee, the American Family Association fought hard against special protections for access providers. So too did such notables with a high profile in the fight against pornography as former Attorney General Edwin Meese III and Rep. Henry Hyde, chairman of the U.S. House Judiciary Committee.

Why is Congress so willing to protect those who distribute and profit from computer pornography? Because one major pro-family group and a few smaller ones urged it to. Access providers and the so-called "free speech" lobby fought for the protections, but they couldn't have gotten such major concessions from the family-friendly 104th Congress without the cover certain pro-family groups gave them.

Pro-family champion Mr. Hyde offered a much tougher, no-exceptions computer pornography provision in committee as an alternative to Exon-White. He was defeated, however, by Mr. White—who liberally touted the support of the few pro-family groups who supported the position of the access providers.

Soon Congress will vote on the final version of the telecommunications bill, which contains this soft-on-pornography language. The effect on the Internet is predictable—computer pornography will continue to flow freely.

Under the Hyde provision anyone would have been liable, including access providers, for knowingly and intentionally distribution or making available pornography to children or obscene pornography to anyone. The argument in favor of the Hyde provision—that by providing no exceptions in the law, access providers will voluntarily restrict access to pornography—was made crystal clear by Compuserve's response to the German prosecutor.

That is the exact response that could be expected from all U.S. Internet access providers by passage of the Hyde language. It is an inexplicable irony that due only to the efforts of some pro-family groups, Compuserve and other access providers may have to block pornography to German children, but are free to provide it to the children of America.

Why did pro-family groups go to bat for access providers? I still wonder. The arguments of their representatives shifted throughout the months-long debate during consideration