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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Creator and Sovereign of all, slow us down, we are moving too fast; we do not realize Your blessings until they are past. We jet at high speed to our destinations only to circle in holding patterns. Life also has its holding patterns when we must wait. We are not very good at waiting. We want everything yesterday. Help us to trust in Your timing. You are always on time. Keep us from running ahead of You or lagging behind. Today, help us to enjoy life as it unfolds, to live to the fullest in each hour, and to relish the sheer wonder of Your grace and goodness. Open our eyes so that we may see Your glory in the people and opportunities You give us. Unstop the ears of our hearts so we may hear Your guidance. Release our wills from the bondage of our controlling attitudes so we can act on what You call us to do. Replenish our physical strength so we can have resiliency for each challenge. So, if life dishes out a holding pattern today, may we use it wisely to remember where we have been by Your grace and where we are going under Your guidance. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, I thank the Chaplain for that meaningful prayer this morning, as we are in a holding pattern. I think maybe it is going to produce results very shortly. This morning, the Senate will immediately resume consideration of the maritime bill, H.R. 1350. There will be 30 minutes of debate, equally divided, on the Grassley amendment No. 5391, regarding war bonus, also with a vote on the motion to table that amendment occurring at 10 a.m. this morning.

We have been unable to reach an agreement, or we were last night, but we feel that maybe progress is being made now and we can get an agreement shortly, so that we can complete the amendments that are desired by some of the Senators to be offered and get to final passage on this very important maritime legislation.

Members can expect additional votes beyond the 10 a.m. vote on or in relation to amendments to the bill. As all Senators are aware, we are fast approaching adjournment and there are a number of other important issues yet to be resolved. So I hope all Senators will accommodate this schedule.

We have indicated throughout the last couple of months that we should expect votes on Friday, at least up until noon. We hope we can get this bill finished by then, and we would not be back in session until Tuesday morning beginning at 9:30. We may be asked to consider other legislative items that are cleared for action. We are still looking for other appropriations conference reports that may be coming over, perhaps not today, but we have at least one more we think we may be able to take up early next week. I thank all Senators in advance for their cooperation.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BURNS). Under the previous order, leadership time is reserved.

MARITIME SECURITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1350, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1350) to amend the Merchant Marine Act, 1936, to revitalize the United States flag merchant marine, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Grassley amendment No. 5391, to provide for a uniform system of incentive pay for certain hazardous duties performed by merchant seamen.

AMENDMENT NO. 5391

The PRESIDING OFFICER. There will now be a period of 30 minutes of debate, equally divided, on the motion to table the Grassley amendment No. 5391.

Who seeks time?

Mr. GRASSLEY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. GRASSLEY. Mr. President, during wartime, in an area where there is military conflict between the United States and an opponent, there are legitimate war bonuses paid to people in the military for serving under more severe conditions, and there are also war bonuses paid to our seafarers for serving under those same conditions. The only problem is that there is a great inequity between what the seafarers get as a bonus and what our regular military gets paid. The purpose of this amendment is to make sure that those bonuses are the same.

So my amendment, which is about to be voted on at 10 o'clock, represents common sense. What people don't like about Washington is they see their money being wasted because we don't

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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use commonsense approaches to governing and spending the taxpayers' money—the same commonsense way that the average family and small business has to use to live within their income and balance their budgets.

Why should taxpayers be saddled with war bonuses for seafarers, which evidence shows can be 50 times as high as those war bonuses that we give the men and women in the Reserve or the regular military? One Persian Gulf seafarer got a bonus of $15,700 for 2 months. The regular military would get, during that same period of time, a 2-month war bonus of $300—$300 as compared to $15,700.

The argument was made last night that the taxpayers don't end up paying these war bonuses. Well, the taxpayers do end up paying. The argument was made last night that, well, our Treasury was reimbursed by a lot of nations around the world for our efforts in Kuwait. That is true, we were. I was part of the effort to make that happen. But we don't conduct war, or at least we should not be conducting war, to make a profit.

At any time in the future when our military ends up paying these bonuses, the taxpayers are going to be paying them. But this is not just a taxpayer issue. This is an issue of equity between seafarers and our full-time military people.

My colleagues have received letters from a number of taxpayers and public-interest organizations, representing hundreds of thousands of Americans, who adamantly oppose this legislation that is before us. Three of them have expressed support for my amendments, for instance, Citizens Against Government Waste will key vote my amendment. The National Taxpayers Union will weight it heavily in their annual voting analysis. And Citizens for a Sound Economy strongly supports this amendment as well.

Furthermore, this war bonus amendment is supported by a number of retired admirals—admirals, I might add, whose good names were lent to the American Security Council letter in support of this bill, and who now support my pro-taxpayer, pro-defense amendments.

Taxpayers do end up paying for seafarers' war bonuses. as well as the incredibly high salaries and benefits they receive year in and year out.

This is so because we in Congress have allowed an unaccountable payment system to the U.S.-flag carriers that allow them to pass on to Uncle Sam virtually all of their costs plus a hefty profit for any business they do for the Government.

Mr. President, collective bargaining is great when Congress allows us to have an open checking account to the United States Treasury to cover salaries, benefits, and war bonuses.

This chart includes the salaries, benefits, and overtime of seafarers that this bill will subsidize—$310,915 per month, and most of this paid for by taxpayers. Seafarers get these generous benefits from taxpayers year in and year out, and then, if they do someday deliver goods into a war zone, they can get a war bonus.

Take a look at this category called ''able-bodied seaman.'' His base pay is $12,192 per month. His war bonus for a month could therefore, be $12,192 and he could get an extra $600 per day if his vessel is actually shot at.

My amendment was characterized last night, and I quote as ''demeaning, unfair, and insulting to seafarers.'' There is no way that you can see it that way. What this amendment tries to do is to seek fairness to our men and women in the regular military, but most importantly accountability for the American taxpayer.

I reserve the remainder of my time.

Mr. STEVENS. Mr. President, the bill before us sets up a prospect of having the merchant marine available to the United States in the event of emergency on a daily charge basis. The taxpayers will not pay any more regardless of the contract between the seafarers and their employer, the operator of the vessel. This is a new approach.

The Senator from Iowa is mistaken. The funds that were paid for those ships that were in the Persian Gulf were not taxpayer dollars. They were dollars provided by our Persian Gulf allies. In any event, we are trying to change that.

I say to my friend from Iowa that these people are not in the military. They are civilians. They are not subject to the control of the Federal Government. Their salaries are not in the control of the Federal Government. The Constitution prevents what the Senator from Iowa wants to do, and that is for Congress to legislate an amendment to a private contract between the seafarers and their employers.

I have to say that, if this is the Taxpayers Union provision, as the Senator from Iowa said, someone has misinformed that organization because this bill has nothing to do with payment to the people who man these ships. That is between the employer and the employee. It is not a Government affair.

As I said last night, our alternative is to once again try to contract with foreign ships to provide us vessels to carry our goods to supply our men and women in the field in times of crisis. In the last Persian Gulf crisis we did that. We paid a minimum of 50 percent more on the total contract—not just the seafarers' contract moneys for entering into a war zone but for the whole vessel. And some of them, despite the fact that we paid them a 100-percent bonus, refused to enter the war zone.

This is a bill to give us the merchant marine we need in times of emergency, particularly in times of a war. These people are not in the military. They are not subject to the draft. They are not required to go in harm's way by any law that I know of, and there is no way to conscript them, which is what the amendment of the Senator from Iowa will do. It literally conscripts them, and says, ''In the event of the war, you are working for the Federal Government.''

I have never heard of such an approach. I want to say again that I moved to table the amendment last night because it really does nothing to help this bill. It is an attempt to drag a red herring across the Senate floor and tell us that somehow or other the taxpayers will be forced to pay for these people extraordinary rates if they are called upon to provide service during times of war, that under the bill we have to pay whatever their contract provides that their employer is going to pay them. The Secretary of Defense sets the rate for the cost of those vessels—fully crewed—under this bill; what is paid to the seafarer is between the employer and the employee. It is none of the Federal Government's business.

Does the Senator wish time?

Mr. INOUYE. Yes.

Mr. STEVENS. I yield such time as the Senator from Hawaii wants.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, let the record indicate that we began this debate on this amendment last evening. So what I say may be a bit repetitive but I believe it must be repeated.

In World War II, 700 merchant marine ships were sunk, and most of them are now resting, hopefully peacefully, at the bottom of either the Atlantic Ocean or the Pacific Ocean.

When these ships went under nearly 6,000 men, civilians who were carrying military cargo, went down with the ships. The casualties that exceeded 6,000 in World War II was second only to that experienced by the U.S. Marine Corps.

There is a difference. This amendment would suggest that merchant mariners should receive the same combat pay as our GI's suggesting that merchant mariners are overpaid for standing in harm's way.

Mr. President, as some of my colleagues are aware, I had the great honor of serving my country in uniform. And for serving in harm's way I received combat pay, which was a token amount. I believe at that time it was $10 a month. But we were not in the service for pay purposes. However, at the end of the war because of my injuries I receive a lifetime pension; a very generous one. I have a lifetime privilege of hospitalization and medical care. And that privilege also extends to my dependent, my wife. I received education under the GI bill of rights. And, as a result, I received my law degree and my baccalaureate. I can, if I wish to, purchase goods at the PX, or at the commissary. There are many privileges. For example, when I die the Government will pay for my coffin, and will pay for my headstone.

On the other hand, for the man who serves in the merchant marine, if he should be wounded in action he will not receive a lifetime pension, nor will his wife receive hospitalization for the rest of her life. He will not get a tombstone; a headstone. He will not receive the benefits of the GI bill of rights.

We are not talking about apples and apples, Mr. President. We cannot compare the merchant marine and a man on a naval vessel.

I can understand why the merchant marine decided after World War II that something had to be done to bring about equity. In World War II, none of the benefits were available. Now, this small amount, $12,000 a month, for standing in harm's way and risking death is not much. As my colleague from Alaska pointed out, we were not providing that war bonus. It was by the coalition forces.

Whatever it is, this amendment is demeaning to the merchant mariners—to suggest that merchant marine seamen are mercenaries. They are not mercenaries. In Desert Storm, many of the countries that were asked to deliver goods to our fighting forces refused to enter the Persian Gulf. Sixteen ships refused to go into the Persian Gulf. On the other hand, our American seamen, all of them, without hesitation, went into the most dangerous of waters. Yes, it is insulting to suggest that they are mercenaries. They are not. They are good, patriotic, dependable Americans.

Mr. President, I will support the motion to table this amendment.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I have 8 minutes—7 minutes remaining?

The PRESIDING OFFICER. The Senator has approximately 6 minutes remaining.

Mr. GRASSLEY. I yield myself such time as I consume.

I rise to respond to what the Senator from Alaska said, where he is right and where he is wrong. He is right that we are paying in corporate welfare $2.1 million per ship to have these ships available, and the responsibility to the companies to provide shipping to meet their contracts, to meet our national defense needs.

That is under section 652. But when those ships are called up to deliver materiel to the war zone, then you move to page 19, and this is where the Senator from Alaska is wrong. It says:

> Compensation. In general, the Secretary of Transportation shall provide in each Emergency Preparedness Agreement fair and reasonable compensation for all commercial transportation resources provided pursuant to this section.

That is above that $2.1 million. So we are going to pay more if these ships are used. Then it goes on to specific requirements.

> Compensation under this section shall not be less than the contractor's commercial market charges for like transportation resources; shall include all the contractor's costs associated with provision and use of the contractor's commercial resources to meet emergency requirements; in the case of a charter of an entire vessel; shall be in addition to and shall not in any way reflect amounts payable under section 652.

So where the Senator from Alaska is wrong is that there are charges above and beyond the $2.1 million when our ships are called to be used.

Let me repeat what my amendment deals with—fair and reasonable costs. More importantly, ''all the contractor's costs associated with provision'' obviously includes the war bonuses, and these extraordinarily high war bonuses were $15,700 for one seaman in the Persian Gulf war compared to $300 for the regular military.

Now, let us suppose the Senator from Alaska were right about those 47 ships, that this corporate welfare is going to subsidize these companies that are making extreme amounts of profits. Then we have all the other vessels that the Department of Defense can call on and will call on to meet our national security needs, and this bill does not apply to those. In those instances, obviously this bill does not apply, but they will get war bonuses. Moreover, there is no place in this bill that says war bonuses are not going to be paid to the employees on those 47 ships. So my amendment goes to the heart of this issue, to establish equity between our regular military people and our seafarers.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

Mr. STEVENS addressed the Chair,

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. The answer is simple, in my opinion. What we have is a situation where today the only thing we have available to us in the event of war or emergency is to contract once again with foreign shipping. We did that in the Persian Gulf war. As I said, we paid 50 percent to 100 percent more on the total charter price.

This bill is an attempt to change that concept and make available to us the U.S.-flag ships already crewed, ready to serve, and ready to go in harm's way because of their contractual commitments. We had foreign ships that would not enter the war zone. We had foreign crews that deserted their ships as they were going into the Persian Gulf.

We need a program to give us the capacity to continue to serve our fighting men and women when they are abroad. The impact of this bill is to provide a system to in effect have a standby charter. It is very similar to the reserve fleet we have for the airlines. The civil air reserve program provides us the aircraft. And just as in this case those people who fly civilian planes into harm's way get war bonuses, they get special bonuses, because, as the Senator from Hawaii points out, they have no rights to any of the benefits that are available to those people who serve in the military should they be harmed when they are in harm's way.

What we are doing here now would authorize $100 million annually for sustainment sealift. That is $250 million less than the funded levels before and $150 million less than it is today —$250 million less than it was during the Persian Gulf period, $150 million less than the existing program today.

The Senator's amendment is an attempt to destroy a program that is designed to save $150 million from the program as it stands today.

Now, we are going to pay these companies to reserve these vessels for our use in the event of war. The contracts that the Senator has mentioned are subject to approval by the Secretary of Defense. The payments that would be made will be made on an equitable basis, and they will be subject to annual review by the Appropriations Committee which I hope to chair.

I reserve the remainder of my time.

Mr. GRASSLEY. I would seek knowledge about how much time is remaining on each side.

The PRESIDING OFFICER (Mrs. FRAHM). The Senator from Iowa has 1 minute 45 seconds, the Senator from Hawaii has 49 seconds.

Mr. GRASSLEY. I will use the remainder of my time right now and leave the last word to the opponents of the amendment.

First of all, I think everybody heard my response to the original statement of the Senator from Alaska in opposition to my amendment. I came back and said that the bill provides for compensation, return of the cost, plus profit, under what we are told is a fair and reasonable rate. It covers all costs, and so that includes war bonuses.

He went on in his last remarks to speak about how great the bill is. So I think the absence of comment on my rebuttal speaks for itself; my point is that under this bill these war bonuses are 50 times as high as the men in the regular military get. Maybe the issue here is that we are not paying enough to regular Navy and Army, Air Force, and Marine personnel who are in harm's way on the battlefield and we ought to be paying them more than what we are, so that they are not getting 50 times less than what the seafarers are getting. But, at least we should not have this extraordinary difference between the two.

So, consequently, in my closing seconds I remind people the conservative fiscal group Citizens Against Government Waste, the National Taxpayers Union, and the Citizens for a Sound Economy feel that this amendment is a justified amendment to bring commonsense budgeting, expenditure of money, commonsense use of the taxpayers' money to public policy on maritime issues.

I yield the floor.

Mr. STEVENS. Madam President, we only use these vessels for the time they are actually in the war zone under this contract. As the Senator from Hawaii

says, we pay people by the day rather than by the lifetime. I agree with the Senator from Iowa, we ought to compensate our people in the military who go in harm's way more than we do, but we set up a very complex system here to take care of the people who are actually harmed in the military. We set up a different system for people who enter harm's way for a very short period of time and we have no further responsibility to them for any injuries they might sustain, as far as that is concerned.

All of the costs of this bill are subject to rejection by the Secretary of Defense at the time the ships will be called up. He could decline to use these ships and once again go back to trying to use foreign ships if they were available to us at a reasonable cost. There are no foreign ships available to us anywhere near the cost of this bill.

So I have moved to table this. I hope Senators will not be misled by this concept that, somehow or another, conservatives oppose this bill. This is a very fair bill to us and to the people who might be put in harm's way in order to serve the defense of our country.

I move to table, Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 5391, offered by the Senator from Iowa, Senator GRASSLEY. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. HELMS], the Senator from Florida [Mr. MACK], the Senator from Delaware [Mr. ROTH], and the Senator from Wyoming [Mr. THOMAS] are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], the Senator from Georgia [Mr. NUNN], and the Senator from Massachusetts [Mr. KERRY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 77, nays 16, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—77

Abraham	Coverdell	Hatfield
Akaka	Craig	Heflin
Baucus	D'Amato	Hollings
Bennett	Daschle	Hutchison
Biden	DeWine	Inhofe
Bingaman	Dodd	Inouye
Bond	Domenici	Jeffords
Boxer	Dorgan	Johnston
Bradley	Exon	Kempthorne
Breaux	Feingold	Kennedy
Bryan	Feinstein	Kerrey
Burns	Ford	Lautenberg
Byrd	Frist	Leahy
Campbell	Glenn	Levin
Chafee	Gorton	Lieberman
Cochran	Graham	Lott
Cohen	Gramm	Lugar
Conrad	Harkin	McCain
McConnell	Robb	Specter
Mikulski	Rockefeller	Stevens
Moseley-Braun	Santorum	Thompson
Moynihan	Sarbanes	Thurmond
Murkowski	Shelby	Warner
Murray	Simon	Wellstone
Pell	Simpson	Wyden
Reid	Snowe	

NAYS—16

Ashcroft	Grams	Kyl
Brown	Grassley	Nickles
Bumpers	Gregg	Pressler
Coats	Hatch	Smith
Faircloth	Kassebaum	
Frahm	Kohl	

NOT VOTING—7

Helms	Nunn	Thomas
Kerry	Pryor	
Mack	Roth	

The motion to lay on the table the amendment (No. 5391) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. If there are amendments to be disposed of, we might be able to dispose or review them at this time. We have seen no other amendment today. We know the Senator from Iowa may have other amendments.

May I inquire if any other Senator has an amendment to this bill? We would like to know if any other Senator has an amendment at this time.

Mr. INOUYE. Not at this time.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Madam President, I rise as a proud cosponsor of the Maritime Security Act. I urge my colleagues to give their support to this important bill.

This bill is critical for America's future. This bill is about our national security. A strong, vibrant merchant marine is absolutely critical to our national defense and our economic security. We need to ask ourselves one simple question, do we want to have a American shipping industry in the 21st century? The answer is an unequivocal yes.

Time and time again, we have seen the critical role our merchant marine has played. In World War II, it was our merchant marine—our ''heroes in dungarees'' who braved Nazi U-boats in the Atlantic and Japanese submarines in the Pacific in order to save Western civilization at a cost of over 6,000 merchant mariners who lost their life. The casualty rate for merchant mariners in World War II was second only to the Marine Corps.

In Korea, and Vietnam, our merchant marine kept the supply lines open for our fighting forces and never let them down. In Desert Storm, almost 80 percent of the cargo was transported on American ships with American crews. Our merchant marine became the ''steel bridge'' to our men and women in Saudi Arabia. General Schwarzkopf talked about how important the merchant marine was in sustaining our troops with needed supplies. And had we gone into an escalated ground war our merchant marine would have been even more important.

In Bosnia, United States mariners were used to activate the Ready Reserve ships to aid peacekeeping efforts. Mr. President, history has taught us one thing, we cannot rely on foreign countries with foreign crews to transport our military cargo in time of war. This is why the Defense Department strongly supports this bill.

But this legislation is more than keeping merchant marine viable in times of crisis it is about keeping our shipyards open, and ensuring that there will always be American ships moving American cargo across our oceans.

We cannot allow America's economy to be held hostage to the whims of foreign shipping companies or in some cases, foreign governments. In addition, our merchant marine fleet must compete with ships that fly ''flags of convenience.'' Two-thirds of all merchant ships fly under flags of convenience.

Without the Maritime Security Program, American ships will be unable to compete against foreign ships that are heavily subsidized or state-owned. In addition, ''flag of convenience'' ships do not have to comply with American environmental or safety standards giving foreign ships another advantage.

Our merchant marine provides good jobs at good wages and we have a responsibility to keep the American flag flying over the oceans of the world. That's why we need the Maritime Security Act—to give our merchant marine a fighting chance in today's shipping climate.

Finally, Madam President, this bill makes sense for the American taxpayer. Compared to the present maritime program, the Maritime Security Act will cut costs by more than 50 percent. If this bill is not adopted, taxpayers could pay even more if the Defense Department was forced to build its own military sealift fleet.

Madam President, when the world makes a 911 call to America, we must be ready. We must have a merchant marine ready to defend our national security and our economic security. I urge my colleagues to give their strong support to this legislation.

Mr. STEVENS. It is my understanding the distinguished Senator from Illinois would like to have time to make a statement. I ask unanimous consent the Senator have 5 minutes as in morning business while we try to work out this agreement.

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

Ms. MOSELEY-BRAUN. I thank the Senator from Alaska.