HeinOnline

Citation: 4 Bernard D. Reams Jr. Law of E-SIGN A Legislative of the Electronic Signatures in Global and National Act Public Law No. 106-229 2000 H2142 2002

Content downloaded/printed from HeinOnline (http://heinonline.org) Sun Apr 21 21:43:12 2013

- -- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at http://heinonline.org/HOL/License
- -- The search text of this PDF is generated from uncorrected OCR text.

So, Mr. Speaker, when we have this kind of rhetoric from the White House, choosing to use our military in a questionable war because the military has "nothing better to do," or that their use without a strategy is better than "not doing anything," is when events like Vietnam occur.

AMERICA'S EXPORT CONTROL POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise today to discuss our Nation's export control policy. Obviously, economic growth is a key to a prosperous future in this country, but that fact points out how important exports are.

When we look at the world right now, we have a unique situation where, though the United States represents only 4 percent of the world's population, we currently consume 20 percent of the world's goods, services, and products.

In other words, if we are going to have economic growth in the country, we are going to have to open up foreign markets. We are going to have to export, and take advantage of that 96 percent of the world's population that does not reside in the United States.

When we look at it once again, the recent trade deficit figures just released today show another record trade deficit. There are a lot of issues that contribute to that. Today I would like to talk about just a couple that have to do with our export control policy, the policy of the United States in limiting the number of goods and products that can be exported from this country.

These are limited in a couple of ways. One of them is through what are called unilateral economic sanctions. That is basically where we as a country decide we disapprove of some action of another country, and then decide that we are not going to allow U.S. businesses to export to them. I completely agree that we as a coun-

I completely agree that we as a country need to stand up for things like democratic freedoms, religious freedoms, economic freedoms in the rest of the world, and do everything we can to encourage and promote those, but policies of unilateral economic sanctions do not get us there. Basically, all they do is force those countries to buy their goods from some other place.

do is force those countries to buy linen goods from some other place. The reason for this is the changing economy. As we have all heard, it has become a cliche now, we live in a global economy. What that means is if we attempt to impose our will on another country through unilateral economic sanctions, we will fail. It will not work, because that country can simply go to any one of the other members of this global economy and purchase what they want. All we accomplish in that

situation is restricting our own companies' abilities to export.

Multilateral economic sanctions make a certain amount of sense. If we can get enough of our global partners together, as was in the case in South Africa, as is the case in Iraq, to institute export control policies so that it is not just us alone, the United States, then the policies can work and can exercise some influence to make some changes, as they did in South Africa.

What'I am opposed to is the proliferation of unilateral economic sanctions that do not succeed in their stated goal and harm our economy. There are several bills in Congress right now that will attempt to change that polley. I am proud to be a cosponsor of the House bill, and I think we need to move in that direction.

I have brought a chart with me to illustrate the point. This chart shows the number of countries in the world that currently have some export controls on them; in other words, the number of countries which U.S. businesses are somehow limited in their ability to export to. We can see that it is a large number of countries, as they are represented in red. They cover a substantial portion of the globe and a substantial number of people; in other words, possible markets that we are losing out on as a country. If we could change that policy and

If we could change that policy and open up those markets, it could be a boon to U.S. industry, and I must once again point out these policies have not had much effect on changing the policies of the other countries that we want to see changed.

want to see changed. So unlateral economic sanctions have reached the point where they do not work. All they are is bad for U.S. companies. If we want to expand and grow, we are going to need access to these markets. We need to make those changes to get there.

There are a couple of other aspects of our export controls policy right now that are particularly troubling because they focus on technology. In other words, they focus on the highest-growing segment of our economy, and indeed of the world's economy. They are controls on encryption software and on computers.

Basically, the U.S. has a policy right now that basically looks at technology and says, we need to develop the best technology here in this country, and then for national security reasons, we are going to put our arms around it and prevent the rest of the world from gettion it, it will be protecting our national security.

There are a number of flaws with this theory, but the biggest one I want to point out is, once again, the global economy. There is access to this technology from other countries other than the U.S. We cannot stop that. By implementing these policies, all we are doing is restricting U.S. companies' ability to participate.

The biggest point I want to make on restrictions of technology, this is not,

and I repeat, not a choice between business and national security. If that was the case, absolutely, we would choose national security, end of story. The point is it does not help because these countries access the information elsewhere.

Take encryption as just one example, a simple software designed to protect programs. We restrict the exportation of top-of-the-line encryption technology, but top-of-the-line encryption technology is available from a number of other countries, and in fact we can download it off the internet. Our restrictions do not prevent these

Our restrictions do not prevent these other countries from getting it, they only prevent our countries from being the ones that are able to sell it. In the long run this even harms national security by restricting our ability to develop the next best technology. We need to reexamine our policy of export controls for all of these reasons.

SUPPORT THE AFRICAN GROWTH AND OPPORTUNITY ACT

AND OFPORTIONITY ACT The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. ROYCE) is recognized during morning hour debates for 5 minutes. Mr. ROYCE. Mr. Speaker, it is crucial that the United States encourages

Mr. ROYCE. Mr. Speaker, it is crucial that the United States encourages economically reforming African countries. One of the ways to do that would be to pass the African Growth and Opportunity Act, a bill that will really put Africa on the course of Joining the world economy. Africa is the poorest continent today.

Africa is the poorest continent today, largely because of the state-dominated development strategy that predominated for the first three decades of its era of independence. It was called African socialism, and it did not work for Africa. It did not work for Africa any better than it worked in Eastern Europe.

□ 1300

Those economic policies help explain the difference today between a country like Ghana in West Africa and South Korea. In the early 1980s these two countries had similar per capita incomes. Ghana and most of Africa took the route of socialism, and they paid a very heavy price as a result.

wery heavy price as a result. Now, fortunately, many African countries, including Ghana, have changed course ever since the Berlin Wall came down. Ever since the West and Third World countries began to look at what had actually happened in Eastern Europe and in the former Soviet Union, they began liberalizing their economies. They began permitting private ownership of assets and becoming more welcoming of foreign investment and implementing the rule of law.

These reforms, which were encouraged by the United States and were undertaken with considerable political difficulty, have produced desirable results in many African countries. Many countries are seeing consistent economic growth of higher than 5 percent. **Document No. 80**