

for communications, transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

“(d) POLICY.—It is the sense of Congress that the United States representatives at the International Bank for Reconstruction and Development, the International Finance Corporation, and the European Bank for Reconstruction and Development should encourage lending to the countries of the South Caucasus and Central Asia to assist the development of the physical infrastructure necessary for regional economic cooperation.”

“SEC. 499C. SECURITY ASSISTANCE.

“(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to assist countries of the South Caucasus and Central Asia to secure their borders and implement effective controls necessary to prevent the trafficking of illegal narcotics and the proliferation of technology and materials related to weapons of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code), and to contain and inhibit transnational organized criminal activities.

“(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c):

“(1) Assistance under chapter 5 of part II of this Act (relating to international military education and training).

“(2) Assistance under chapter 8 of this part of this Act (relating to international narcotic control assistance).

“(3) The transfer of excess defense articles under section 516 of this Act (22 U.S.C. 2321j).

“(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) are limited to assisting those countries of the South Caucasus and Central Asia in developing capabilities to maintain national border guards, coast guard, and customs controls.

“(d) POLICY.—It is the sense of Congress that the United States should encourage and assist the development of regional military cooperation among the countries of the South Caucasus and Central Asia through programs such as the Central Asian Battalion and the Partnership for Peace of the North Atlantic Treaty Organization.

“SEC. 499D. STRENGTHENING DEMOCRACY, TOLERANCE, AND THE DEVELOPMENT OF CIVIL SOCIETY.

“(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to promote institutions of democratic government and to create the conditions for the growth of pluralistic societies, including religious tolerance.

“(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia.

“(1) Technical assistance for democracy building.

“(2) Technical assistance for the development of nongovernmental organizations.

“(3) Technical assistance for development of independent media.

“(4) Technical assistance for the development of the rule of law.

“(5) International exchanges and advanced professional training programs in skill areas central to the development of civil society.

“(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) are limited to activities that directly and specifically are designed to advance progress toward the development of democracy.

“(d) POLICY.—It is the sense of Congress that the Voice of America and RFE/RL, Incorporated, should maintain high quality broadcasting for the maximum duration possible in the native languages of the countries of the South Caucasus and Central Asia.

“SEC. 499E. INELIGIBILITY FOR ASSISTANCE.

“(a) IN GENERAL.—Except as provided in subsection (b), assistance may not be provided under this chapter for a country of the South Caucasus or Central Asia if the President determines and certifies to the appropriate congressional committees that the country—

“(1) is engaged in a consistent pattern of gross violations of internationally recognized human rights;

“(2) has, on or after the date of enactment of this chapter, knowingly transferred to another country—

“(A) missiles or missile technology inconsistent with the guidelines and parameters of the Missile Technology Control Regime (as defined in section 11B(c) of the Export Administration Act of 1979 950 U.S.C. App. 2410b(c); or

“(B) any material, equipment, or technology that would contribute significantly to the ability of such country to manufacture any weapon of mass destruction (including nuclear, chemical, and biological weapons) if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of such weapons;

“(3) has supported acts of international terrorism;

“(4) is prohibited from receiving such assistance by chapter 10 of the Arms Export Control Act or section 306(a)(1) and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5604(a)(1), 5605); or

“(5) has initiated an act of aggression against another state in the region after the date of enactment of the Silk Road Strategy Act of 1997.

“(b) EXCEPTION TO INELIGIBILITY.—Notwithstanding subsection (a), assistance may be provided under this chapter if the President determines and certifies in advance to the appropriate congressional committees that the provision of such assistance is important to the national interest of the United States.

“SEC. 499F. ADMINISTRATIVE AUTHORITIES.

“(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

“(b) USE OF ECONOMIC SUPPORT FUNDS.—Except as otherwise provided, any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

“(c) TERMS AND CONDITIONS.—Assistance under this chapter shall be provided on such terms and conditions as the President may determine.

“(d) SUPERSEDING EXISTING LAW.—The authority to provide assistance under this chapter supersedes any other provision of law, except for—

“(1) this chapter;

“(2) section 634A of this Act and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act;

“(3) section 907 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5812 note; relating to restriction on assistance to Azerbaijan), except such section shall not apply with respect to—

“(A) activities to provide humanitarian assistance under the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601 et seq.);

“(B) activities to support democratic reforms and democratic governance;

“(C) assistance for the control of narcotic and psychotropic drugs and other controlled substances, or for other anticrime purposes, under section 481(a)(4) of this Act (22 U.S.C. 2291(a)(4));

“(D) assistance under programs carried out under section 1424 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2333);

“(E) assistance provided by the Trade and Development Agency under section 661 of this Act (22 U.S.C. 2421); and

“(F) activities carried out by the United States and Foreign Commercial Service; and

“(4) section 1341 of title 31, United States Code (commonly referred to as the ‘Anti-Deficiency Act’), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

“SEC. 499G. DEFINITIONS.

“In this chapter:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

“(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term ‘countries of the South Caucasus and Central Asia’ means Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.”

SEC. 6. ANNUAL REPORT.

Beginning one year after the date of enactment of this Act, and annually thereafter, the President shall submit a report to the appropriate congressional committees—

(1) identifying the progress of United States foreign policy to accomplish the policy identified in section 3;

(2) evaluating the degree to which the assistance authorized by chapter 12 of part I of the Foreign Assistance Act of 1961, as added by section 5 of this Act, was able to accomplish the purposes identified in those sections; and

(3) recommending any additional initiatives that should be undertaken by the United States to implement the policy and purposes contained in this Act.

SEC. 7. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term ‘countries of the South Caucasus and Central Asia’ means Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

TRIBUTE TO JUDGE EARLE MURPHY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. DUNCAN. Mr. Speaker, I would like to take a few moments to honor a man who has devoted his life to serving the people of Bradley County, Judge Earle Murphy.

Through more than 50 years of service, Judge Murphy has become one of the most

respected judges in East Tennessee. He is known not only for his knowledge of the law, but also for his common sense approach to the law.

But Judge Murphy's contributions to the people of Bradley County reach far beyond his legal career. In every aspect of his life, he dedicated himself to improving the world in which he lived.

Judge Murphy was recently honored by the Bradley County Bar Association for his many achievements and his years of service to the people of Bradley County.

I am deeply saddened to say that Judge Murphy passed away recently. Judge Murphy was an exemplary man, who made the most of his life. He will be missed by the many people who knew and loved him.

I would like to call attention to the attached editorial which was printed in the Cleveland Daily Banner Newspaper shortly before Judge Murphy's death:

MURPHY'S CONTRIBUTIONS SHOULD BE
RECOGNIZED

On Tuesday Judge Earle G. Murphy will be honored by the Bradley County Bar Association for his more than 50 years of service to the community.

It is, undoubtedly, a celebration of a man who has not only devoted himself to his job, but has given time and talent to countless community service agencies, and we, as citizens of Cleveland and Bradley County, owe him a debt of gratitude.

Murphy began his life in the Bradley County Courthouse at age 12. His father, James, served as county register of deeds, and, when he was old enough, Murphy went with his dad to help proofread deeds of trust and chattle mortgages each day. He attended local schools, working after class. Before long he formed relationships with attorneys in the area and a craving for the study of the law.

Lucky for us he did. His service as General Sessions, Circuit Court, and Cleveland City judge over the years has proven to be balanced and fair. Even in times when one party or another didn't agree with Murphy's ruling, you could rest assured that the decision was made with much thought and great consideration for the law. Murphy's devotion to what is fair and legal in his courtroom is apparent above all else.

In addition, Murphy has proven to be a kind friend, a sincere Christian, a loving family man, and a servant of the public. He has worked, as president of both the Cleveland Lions Club and of the Bar Association. He also gave eight years to the Cleveland Board of Education. Most anyone in town will tell you that Murphy and other community leaders work during that period was greatly responsible for getting Cleveland High School built when it was so desperately needed.

His personal love remains his wife, Norma, who he has been devoted to for nearly 54 years. Murphy's children and grandchildren are sparkles in his eyes, and though the children are grown, the family remains close. Murphy has served in almost every capacity at his church, First United Methodist. He has been a chairman of the building committee, a member of the choir, a Sunday School teacher, and he's given the occasional sermon. As scoutmaster of that church's Boy Scout troop, he touched the lives of many of the boys of Bradley County. Those boys are men today, and no doubt they still have enormous respect for their leader.

Murphy's experience as a judge stayed with him in his friendships. He was often a voice of mediation in times of dissension, a com-

passionate listener other times. He helped numerous young attorneys in Bradley County get their feet planted; he acted as a guide and counselor, just as the older attorneys he met in his youth did for him.

The golf course was a place of escape for Murphy. He turned his love of sports into energy which helped found the Bradley Sports Foundation and Sports for Youth. It seems that in every area of his life, Murphy looked beyond himself to the greater good.

We encourage everyone to take part in the ceremony lauding the achievements of this man. He truly is the epitome of home folk achieving greatness, and as a community we should be very proud and grateful.

NEED FOR A NEW POLICY ON
ENCRYPTION

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. DELAY. Mr. Speaker, I would like to call to my colleagues' attention the need for a new policy on encryption. A simple policy that lets American computer users continue to buy whatever encryption they want and that lets American companies remain internationally competitive by modernizing existing export controls.

The administration has failed year after year to address this issue—stonewalling, making minor export control modifications years after they were necessary, and even preparing to take away the ability of Americans in this country to protect sensitive and confidential electronic information.

I am concerned that if we do not take rational and effective action soon, our ability to use American ingenuity to keep at the forefront of worldwide economic growth through information technology will be irreparably harmed because of our inability to protect our Nation's primary source of strength—our citizens' knowledge and ideas. That being the case, I believe the Security and Freedom through Encryption [SAFE] Act, H.R. 695, should be a priority for the second session of this Congress.

STRONG, SECURE PROTECTION OVER NETWORKS IS
CRITICAL

Information has become power in the 21st century. We need to protect our information in order to protect our national and economic security. Every technological advance is encouraging individuals, companies, and governments to become more networked—whether to work with others, communicate and share documents within a company, or to access work from home. If we do not take necessary and adequate precautions, these computer networks eventually may create a danger. Foreign competitors, foreign powers, terrorists, and just plain criminals may exploit their knowledge of technology to gain access to more information than ever before in order to steal information or to injure people.

THE ADMINISTRATION'S EXPORT POLICY HAS
HAMSTRUNG AND HARMED AMERICANS

Encryption is simply a fancy name for scrambling information so that it may not be understood by the casual reader or listener. Computer software or hardware scrambles information using a key. The longer the key, the more options for scrambling information and

the more protection is provided to protect the information from knowledgeable computer hackers seeking to descramble or decrypt the information.

In 1992 the administration permitted U.S. companies to freely export 40-bit key length encryption products. Five years later the administration still limits mass market exports in general to 40-bits.

The only way that the administration permits companies to increase this encryption strength to even a slightly stronger 56-bits is to agree to build back door government access features into future products.

It is hard to believe that what would protect information in 1992 could still be considered reasonable protection for information in 1997. One very smart student in California proved that 40-bit strength encryption could be broken by trying every key combination in just a few hours. Several smart U.S. cryptographers got together and calculated that a government willing to spend some money could break 40-bit encryption, or even 56-bits, in a [minute fraction] of a second.

Importantly, an unfortunate side-effect of the administration's export control policy is that it also has limited the strength of encryption that Americans have access to from their corner software store. I understand that American software companies earn over one-half of their total revenues from their software exports. So that they do not face a marketing nightmare as well as the expense of developing two different products—one for the United States and one for overseas—these software companies have in general developed only one version of a product. Thus, most U.S. companies are also stuck at the unprotected 40-bit level.

FOREIGN VENDORS SUPPLY STRONG, 128-BIT
ENCRYPTION

Our administration has created a huge window of opportunity for foreign hardware and software vendors to fill the void created by these antiquated export controls. Several foreign companies provide strong, 128-bit encryption. They quite often market their products as add-ons or replacements for export-crippled U.S. products. Would you really want to buy a 40-bit or even a 56-bit version of a software product when you knew that your competitor had a 128-bit product?

While the U.S. computer industry has had a strong lead in developing hardware and software products, we can no longer rely on this advantage to ensure that foreign vendors do not use the opening of supplying encryption software to start to provide foreign consumers with other programs, such as stronger, 128-bit Internet browsers.

Thus, I believe that if a comparable product is available overseas, then we should not hamstring America's companies from providing the same product. If a foreigner can and will purchase a 128-bit encryption product overseas, I would prefer that they bought it from an American company. I believe that this is better for our economy, and ultimately better for our national security. Otherwise, the result will be that all encryption expertise will move off-shore as well as encryption sales.

WHAT LOUIS FREEH AND HIS LOBBY MACHINE WANT AND
WHY IT DOES NOT WORK DOMESTIC ENCRYPTION
CONTROLS

After testifying at House Judiciary and House Commerce regarding export controls, Louis Freeh finally came out of the closet and