

This sentiment is echoed by the chief executive officers of 13 major U.S. computer systems companies, including IBM, Apple, Digital Equipment, Hewlett-Packard, and others, which recently reported that

\* \* \* encryption is the most practical and effective means to protect valuable and confidential electronic information traveling across open networks. The availability of effective encryption is necessary to realize the full potential of the Global Information Infrastructure (GII).

The time is right for Congress to take steps to put our national encryption policy on the right course. The Pro-CODE bill, as well as the Encrypted Communications Privacy Act, S. 1587, are much-needed steps to reform our Nation's cryptography policy.

Mrs. MURRAY. Mr. President, I am pleased to be joining Senator BURNS, Senator LEAHY, Senator DOLE, Senator PRESSLER and others in cosponsoring the Promotion of Commerce On-Line in the Digital Era Act of 1996. The strong bipartisan support for this bill emphasizes how important our national encryption policies are becoming and reflects Congress' growing awareness of the issues surrounding the production and sale of encrypted software and hardware. I commend Senator BURNS and Senator LEAHY for their efforts in putting this legislation together.

As many of my colleagues know, the Department of Commerce recently released a report stating there are tremendous international growth opportunities for software exporters in the next five to 10 years. Unfortunately, the Department of Commerce also acknowledged most U.S. companies don't pursue international sales because our export control laws are too cost prohibitive.

Rather than dissuading international sales, our national policies should be encouraging American companies to enter the global marketplace. American software producers are losing tens of billions of dollars in lost sales due to outdated export controls. I recognize there are legitimate national security concerns underpinning the Export Administration Act. However, these archaic laws are no longer relevant to the post-cold-war world in which we now live. Today's national export controls should target those items that really need to be controlled in order to maintain national security. Simply, they should make better sense; it doesn't make sense to tell U.S. software producers they can't export a product that is already widely available on the world market.

Senator BURNS' bill makes sure our innovative private sector producers lead the way in developing acceptable encryption technology, and it makes sure government mandates and national export control policies do not hamper private sector developments.

Mr. President, I introduced the Commercial Export Administration Act in the 103rd Congress, and I am pleased

Senator BURNS is incorporating the spirit of my language in his bill. My language reduced regulatory red tape and made it easier to export generally available mass-marketed commercial software. Washington state is home to some of the most innovative software producers in the world, and they are eager to export their goods. Unfortunately, our export controls keep Washington state's companies from penetrating the world market.

Some of my colleagues may not know that Washington state's small and mid-sized high-tech companies provided more than 98,000 jobs in 1995.

Mr. President, I mention this because our bill will increase exports and enable our high-tech companies to grow further. Higher growth means more jobs—plain and simple. A recent study revealed U.S. software and hardware exporters lost \$60 billion in potential 1995 sales, and the study estimates a loss of 200,000 jobs in the industry by the year 2000. Given the increase in international competition, we can no longer afford to hold U.S. companies back from potential world sales.

This legislation is badly needed, and I urge my colleagues to join Senator BURNS and me in supporting this bill.

#### ADDITIONAL COSPONSORS

S. 704

At the request of Mr. SIMON, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 929

At the request of Mr. ABRAHAM, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 929, a bill to abolish the Department of Commerce.

S. 1233

At the request of Ms. MIKULSKI, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1385

At the request of Mr. BREAUX, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1385, a bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under Part B of the Medicare Program.

S. 1584

At the request of Mr. THOMPSON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1584, a bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities.

S. 1646

At the request of Mr. DOMENICI, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Iowa [Mr. HARKIN] were added as co-

sponsors of S. 1646, a bill to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

S. 1647

At the request of Mr. PRESSLER, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1647, a bill to amend the Federal Land Policy and Management Act of 1976 to provide that forest management activities shall be subject to initial judicial review only in the United States district court for the district in which the affected land is located, and for other purposes.

S. 1667

At the request of Mr. GREGG, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 1667, a bill to change the date on which individual Federal income tax returns must be filed to the nation's Tax Freedom Day, or the day on which the country's citizens no longer work to pay taxes, and for other purposes.

#### SENATE RESOLUTION 243

At the request of Mr. ROBB, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Utah [Mr. BENNETT], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from West Virginia [Mr. BYRD], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], the Senator from South Dakota [Mr. DASCHLE], the Senator from Ohio [Mr. DEWINE], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. EXON], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Kentucky [Mr. FORD], the Senator from Tennessee [Mr. FRIST], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Minnesota [Mr. GRAMS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nebraska [Mr. KERREY], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Arkansas [Mr. PRYOR], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Hampshire [Mr. SMITH], the Senator from Wyoming [Mr. THOMAS], the Senator from Oregon [Mr. WYDEN], the Senator from Delaware [Mr. BIDEN], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Resolution 243, a resolution to designate the week of May 5,

1996, as "National Correctional Officers and Employees Week."

AMENDMENT NO. 3840

At the request of Mr. CHAFEE the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of amendment No. 3840 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

SIMPSON AMENDMENT NO. 3951

Mr. SIMPSON proposed an amendment to amendment No. 3734 proposed by him to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing Border Patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

**SEC. . ADMINISTRATIVE REVIEW OF ORDERS.**

Section 274A(e)(7) is amended by striking the phrase " , within 30 days,".

Section 274C(d)(4) is amended by striking the phrase " , within 30 days,".

**SEC. . SOCIAL SECURITY ACT.**

Section 1173(d)(4)(B) of the Social Security Act (42 U.S.C. 1320b-7(d)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

"(i) the State shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

**SEC. . HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980.**

Section 214(d)(4)(B) of the Housing and Community Development Act of 1980 (42 U.S.C. 143a(d)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

"(i) the Secretary shall transmit to the Immigration and Naturalization Service either photostat or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

**SEC. . HIGHER EDUCATION ACT OF 1965.**

Section 484(g)(B) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)(4)(B)) is amend-

ed by striking subsection (i) and inserting the following new subsection:

"(i) the institution shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

**SEC. . JUDICIAL REVIEW OF ORDERS OF EXCLUSION AND DEPORTATION.**

Page 87, at the end of line 9, insert at the end of the following:

"Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to exclude or deport an alien from the United States under Title II of this Act shall be available only in the judicial review of final order of exclusion or deportation under this section. If a petition filed under this section raises a constitutional issue that the court of appeals finds presents a genuine issue of material fact that cannot be resolved on the basis of the administrative record, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides or is detained for a new hearing on the constitutional claim as if the proceedings were originally initiated in district court. The procedure in these cases in the district court is governed by the Federal Rules of Civil Procedure."

**SEC. . LAND ACQUISITION AUTHORITY.**

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by redesignating subsections "(b)", "(c)", and "(d)" as subsections "(c)", "(d)", and "(e)" accordingly, and inserting the following new subsection "(b)":

"(b)(1) The Attorney General may contract for or buy any interest in land, including temporary use rights, adjacent to or in the vicinity of an international land border when the Attorney General deems the land essential to control and guard the boundaries and borders of the United States against any violation of this Act.

"(2) The Attorney General may contract for or buy any interest in land identified pursuant to subsection (a) as soon as the lawful owner of that interest fixes a price for it and the Attorney General considers that price to be reasonable.

"(3) When the Attorney General and the lawful owner of an interest identified pursuant to subsection (a) are unable to agree upon a reasonable price, the Attorney General may commence condemnation proceedings pursuant to 40 U.S.C. 257.

"(4) The Attorney General may accept for the United States a gift of any interest in land identified pursuant to subsection (a)."

**SEC. . SERVICES TO FAMILY MEMBERS OF INS OFFICERS KILLED IN THE LINE OF DUTY.**

SEC. 294. [8 U.S.C. 1364]—Transportation of the Remains of Immigration Officers and Border Patrol Agents Killed in the Line of Duty.

(a) Notwithstanding any other provision of law, the Attorney General may expend appropriated funds to pay for:

(1) the transportation of the remains of any Immigration Officer or Border Patrol Agent killed in the line of duty to a place of burial located in the United States, the Commonwealth of Puerto Rico, or the territories and possessions of the United States;

(2) the transportation of the decedent's spouse and minor children to and from the same site at rates no greater than those established for official government travel; and

(3) any other memorial service sanctioned by the Department of Justice.

(b) The Department of Justice may prepay the costs of any transportation authorized by this section.

**SEC. . POWERS AND DUTIES OF THE ATTORNEY GENERAL AND THE COMMISSIONER.**

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended in subsection (a) by adding the following after the last sentence of that subsection:

"The Attorney General, in support of persons in administrative detention in non-Federal institutions, is authorized to make payments from funds appropriated for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration for necessary clothing, medical care, necessary guard hire, and the housing, care, and security of persons detained by the Service pursuant to Federal law under intergovernmental service agreements with State or local units of government. The Attorney General, in support of persons in administrative detention in non-Federal institutions, is further authorized to enter into cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for persons detained by the Immigration and Naturalization Service."

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended in subsection (b) by adding the following:

"The Commissioner may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws of the United States."

**SEC. . PRECLEARANCE AUTHORITY.**

Section 103(a) of the Immigration and Nationality Act (8 U.S.C. 1103(a)) is amended by adding at the end the following:

"After consultation with the Secretary of State, the Attorney General may authorize officers of a foreign country to be stationed at preclearance facilities in the United States for the purpose of ensuring that persons traveling from or through the United States to that foreign country comply with that country's immigration and related laws. Those officers may exercise such authority and perform such duties as United States immigration officers are authorized to exercise and perform in that foreign country under reciprocal agreement, and they shall enjoy such reasonable privileges and immunities necessary for the performance of their duties as the government of their country extends to United States immigration officers."

On page 173, line 16, insert "(a)" before the word "Section".

On page 174, at the end of line 4, insert the following:

"(b) As used in this section, "good cause" may include, but is not limited to, circumstances that changed after the applicant entered the U.S. and that are relevant to the applicant's eligibility for asylum; physical or mental disability; threats of retribution against the applicant's relatives abroad; attempts to file affirmatively that were unsuccessful because of technical defects; efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; the illness or death of the applicant's legal representative; or other extenuating circumstances as determined by the Attorney General."

Page 106, line 15, strike "(A), (B), or (D)" and insert "(B) or (D)".

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following: