

THE NATIONAL ENDOWMENT FOR DEMOCRACY

I must cite one more reason I'm pleased to be with you and that is to speak in my capacity as Chairman of the National Endowment for Democracy. For one of the most important bonds between Greeks and Americans is that we have the good fortune to be citizens of lively democracies.

Indeed, it is about our common commitment to the institutions and practices of democracy, of self-government, that I want to offer some brief comments this afternoon.

For I believe that we in the American and Greek democracies—and the European democracies in general—have an obligation—this is not only a moral question but it is in our respective national interests—to promote free, open and democratic societies.

Let me tell you a little about the National Endowment for Democracy, or NED, because it relates directly to my talk.

Founded in 1983 by Act of Congress, the National Endowment for Democracy is a non-partisan, non-governmental organization that champions, through grants to private entities in other countries, the institutions of democracy. NED grants are made to organizations dedicated to promoting the rule of law, free and fair elections, a free press, human rights and the other components of a genuinely democratic culture.

I must add that a time when the political atmosphere in Washington is even more partisan than usual, NED is unique in enjoying strong support across party and ideological lines.

PROMOTING DEMOCRACY IN THE BALKANS

As all of us here are profoundly concerned about developments in the Balkans, let me report to you on efforts of the National Endowment for Democracy to address some of the obstacles to democratization in that region. Albeit with modest funds, NED has supported programs to encourage the resolution of inter-ethnic conflict, greater political pluralism and economic reform as well as to strengthen the independent organizations necessary to form the basis of civil society in the area.

For example, in Albania, NED is assisting a project of the American Federation of Teachers and the Albanian Teachers' Union to conduct "Introduction to Teaching Democracy" workshops.

In Bulgaria, NED sponsors the Bulgarian Association for Fair Elections (BAFE), a network of community centers to stimulate civic participation at the local level.

In Romania, NED has helped the League for Europe, which presses for better relations between Romanians and Hungarians in Transylvania.

The Endowment also supports several media outlets that produce impartial news on developments in the former Yugoslavia. Only a few weeks ago, our board approved grants to five independent media operations in Serbia/Montenegro (FRY).

Now who can deny that the challenges to building democracy in this part of the world, especially in the areas ravaged by war, are immense, indeed, daunting? But, in my view, the enormity of the challenge is all the more reason for us to act.

Certainly, it seems to me, the encouragement of free, open, stable and democratic societies throughout the Balkans must be of direct interest to the people of Greece. Not only would such developments contribute to Greek national security but to the Greek economy, too. I've already discussed with Greek business leaders the opportunities they see for expanding their markets in the region as well as enhancing the climate for foreign investment in Greece. In fact, even today Greek investments in banking and other private sector activities in the Balkans

and throughout Southeastern Europe generate economic growth and ties that can, spur the democratic process. Remember, too, a consideration important to American policymakers, that Greece is the only country in the region that is a member of the European Union, Council of Europe and NATO.

A CENTER FOR DEMOCRACY IN THE BALKANS

In my judgment, we should now take advantage of, on the one hand, the recent accords between Athens and Skopje and, on the other, the Dayton agreements on Bosnia, to consider seriously the establishment of a center to encourage democracy in the Balkans.

My own view is that an appropriate location for such a center is Greece.

I note first that Greece is the birthplace of democracy and a thriving democracy still.

Second, Thessaloniki, in northern Greece, at the crossroads of the South Balkans, is a natural site for a forum devoted to matters affecting the region. Thessaloniki is a multi-cultural, cosmopolitan city, named, as we know, by the European Union as the 1997 "Cultural Capital of Europe."

Indeed, only a few weeks ago, I took part in a conference in Thessaloniki sponsored by a recently established Association for Democracy in the Balkans. Scholars from nine Balkan countries made presentations on political institutions, on civil society in general and nongovernmental organizations in particular as well as on the role of the media in each country. By all accounts, the conference was a success.

A GENUINELY MULTI-NATIONAL CENTER

I believe it particularly important to note there that their participants in the Thessaloniki meeting made clear that a center to promote democracy should not be a Greek enterprise but one genuinely multi-national in nature.

If the seed for such a multi-national center has been planted in Thessaloniki, I'm glad to tell you of some steps to follow up those discussions.

In two weeks, there will be another conference on democracy in the Balkans, to be held in New York City, under the auspices of the National Endowment for Democracy and the American Ditchley Foundation. We shall convene a group of scholars, diplomats, journalists and others to discuss the concept, the obstacles, the opportunities and the practical steps needed to establish a center to encourage democracy in the region. Former Assistant Secretary of State Richard Holbrooke will address the conference, which I shall chair, as will Congressman Benjamin Gilman, Chairman of the International Relations Committee of the U.S. House of Representatives, and Senator Paul Sarbanes, a senior member of the Senate Foreign Relations Committee.

Here let me express appreciation to both Congressman Gilman and Senator Sarbanes for their continuing contributions to strengthening relations between Greece and the United States and pay tribute as well to another outstanding legislator who shares that commitment, Congressman Lee Hamilton, senior Democrat on the House committee, who addressed you earlier today.

Among others to take part in the New York City conference this month are President Clinton's Special Envoy on the Former Yugoslav Republic of Macedonia, Matthew Nimetz, and U.S. Ambassador-designate to FYROM, Christopher Hill.

Then in June, at Ditchley Park, outside Oxford, the American and British Ditchley Foundations will sponsor another conference, which I'll also chair, with essentially the same purpose except that participants will be drawn chiefly from Europe.

A few weeks ago, as you all know, the First Lady of the United States, Hillary Rodham

Clinton, on her first visit to Greece, said of Athens that it was the city that had "given the world its greatest gift—the gift of democracy."

Let me then voice the hope that the peoples of the United States and Greece can work together—and with others—to encourage in the too-long troubled region of the Balkans the institutions and practices of self-government, "the gift of democracy."●

ENCRYPTION REFORM NEEDED NOW

● Mrs. BOXER. Mr. President, I have just become a cosponsor of S. 1726, the Commerce Promotion Act of 1996. This bill would remove export controls on encryption technology, a coding system enabling individuals and corporations to keep computer communications private.

Under current law, sophisticated encryption technology is sold without restriction in the United States. It is this technology that enables banks and other financial institutions to guarantee the confidentiality of personal and financial information. Furthermore, many analysts argue that concerns about security are restraining the Internet's growth as a commercial enterprise.

American-made software is the best in the world. Many foreign companies and individuals want to buy our products. However, because of concerns relating to international criminal activity, the U.S. Government refuses to allow the export of software that includes certain encryption technology.

The current policy is damaging American software companies. Foreign corporations and individuals will not pay top dollar for computer technology that cannot guarantee that personal information will stay private. As a result, our major trading partners are forced to buy software made outside the United States, costing American companies billions.

These export controls place U.S. software companies at a competitive disadvantage, giving foreign competitors the opportunity to encroach on our dominant position in the global marketplace. The United States enjoys a huge trade surplus in software. Our export policies should seek to strengthen U.S. companies, not give their competitors an unfair advantage.

I am very sensitive to the concerns raised by the Clinton administration about this issue. I strongly believe that U.S. intelligence agencies must retain the ability to intercept communications about terrorist attacks and other criminal acts. However, I am confident that this goal can be achieved without restraining the ability of U.S. companies to sell their products abroad for legitimate commercial uses.

Mr. President, we have a problem on our hands, but we can solve it. Congress and the administration must act together to pass an encryption technology reform bill this year.●

• Mr. SARBANES. Mr. President, on Friday, May 3, I had the honor of joining with Secretary of State Christopher and the American Foreign Service Association [AFSA] in paying tribute to Commerce Secretary Ron Brown and 32 other Americans who were tragically killed in Croatia while in service to our country. A plaque was also dedicated to three diplomats who died seeking peace in Bosnia less than a year ago. On the occasion we were reminded not just of the individuals who lost their lives in these terrible tragedies, but of the risks and sacrifices that members of our Foreign Service undertake on a daily basis in an effort to support peace, democracy and freedom around the globe.

During the ceremony, held on the 31st annual Foreign Service Day, very moving speeches were delivered by Harold Ickes on behalf of President Clinton, by Secretary of State Christopher, and by F. Allen "Tex" Harris, president of AFSA. I believe their remarks bear repeating to a broader audience and thus ask that they be printed in the RECORD.

The remarks follow:

REMARKS BY SECRETARY OF STATE WARREN CHRISTOPHER, HAROLD ICKES, AND F. ALLEN HARRIS

Mr. HARRIS. Dear Family Members, Distinguished Guests, Ladies and Gentlemen and colleagues:

The American Foreign Service Association has the sorrow-filled responsibility of honoring those members of the Foreign Service and our colleagues serving abroad who lost their lives under heroic or other inspirational circumstances.

Today, we have the very sad duty of adding six names to the traditional Memorial Plaque:

Samuel Nelson Drew.
Robert C. Frasure.
Joseph J. Kruzel.
Ronald H. Brown.
Lee F. Jackson.
Stephen C. Kaminski.

We have the deep sorrow of honoring all those who died with Secretary Ronald H. Brown:

Gerald V. Aldrich.
Niksa Antonini.
Dragica Lendic Bedek.
Duane R. Christian.
Barry L. Conrad.
Paul Cushman, III.
Adam N. Darling.
Ashley J. Davis.
Gail E. Dobert.
Robert E. Donovan.
Claudio Elia.
Robert Farrington, Jr.
David Ford.
Carol L. Hamilton.
Kathryn E. Hoffman.
Lee F. Jackson.
Stephen C. Kaminski.
Kathryn E. Kellogg.
Shelly A. Kelly.
James M. Lewek.
Frank Maier.
Charles F. Meissner.
William E. Morton.
Walter J. Murphy.
Lawrence M. Payne.
Nathaniel C. Nash.
Leonard J. Pieroni.
Timothy W. Shafer.
John A. Scoville, Jr.

I. Donald Turner.
P. Stuart Tholan.
Cheryl A. Turnage.
Naomi P. Warbasse.
Robert A. Whittaker.

I now have the honor of introducing the personal representative of the President of the United States of America, Mr. Harold Ickes, Assistant to the President and Deputy Chief of Staff.

Mr. HAROLD ICKES. Secretary Christopher, Secretary Perry, Secretary Kantor, members of Congress, men and women of the Foreign Service, ladies and gentlemen.

President Clinton asked me to be with you today as we honor an extraordinary group of Americans who gave their lives in service of their country and in the service of humanity.

Before reading the President's dedication, let me say to the families and loved ones of Bob Frasure, Joe Kruzel, Nelson Drew, and to those of Ron Brown and his entire delegation, I know that this is a day of very, very mixed emotions.

You've lost a father, a mother, a husband or a wife, a son or a daughter, a friend. The American people have lost some of their finest.

On a very personal note, with the death of Secretary Ron Brown, I lost one of my closest friends and wisest advisers. Ron Brown was in his service and in his life a spring day. He let himself and all of us to believe that making a difference was a joy as well as a duty. He was an achiever of potential. His grace, his intelligence, his self-confidence without a trace of arrogance, and his abilities to motivate, to lead and to bridge were a rare combination of qualities.

I am very proud and very fortunate to have had him as my friend. To Alma, Michael, Tracy, we will all miss him greatly. Let me now read the President's dedication.

Each year on Foreign Service Day, hundreds of active and retired Foreign Service employees come together to discuss foreign policy initiatives. It is also a day of remembrance when the foreign affairs community honors its many colleagues who have given their lives in service of our country.

"As we pay tribute to the memory of those who we have lost, let us rededicate ourselves to the goal for which they lived: maintaining America's leadership in the fight for peace and freedom throughout the world.

"In today's increasingly interdependent world, our nation's future is linked more than ever to events that take place beyond our borders, to strengthen our security, promote our prosperity and advance our interests. As we move towards the 21st century, America must stay engaged.

"Whether supporting peace, freedom and democracy and other transnational threats, combating environmental degradation, opening markets and expanding of trade, the American Foreign Services has a critical role to play.

"Our Foreign Affairs men and women serve on the front lines, often in demanding and sometimes dangerous surroundings. I'm committed to do all I can to insure that Congress provides the funding we need to support your essential work.

"This year, our nation has lost some of its best and brightest public servants, and I have lost a very dear friend. The American people will not forget the contributions made by Secretary of Commerce Ron Brown and the 34 members of his delegation who died in a plane crash on a fog-shrouded mountainside in Croatia.

"They were on an important mission to bring development and economic stability to a war-torn region far from home. Unfortunately, theirs is not the only recent tragedy in that part of the world. We finally and re-

spectfully remember our colleagues, Robert Frasure, Joseph Kruzel and Samuel Nelson Drew who lost their lives in Bosnia.

"These men, who represented the Department of State, the Department of Defense and the National Security Council and the United States Air Force, embodied the spirit of service that sets our nation apart. Their heroic efforts helped bring an end to four years of bloodshed and gave the children of Bosnia a chance to grow up in peace.

"To all Foreign Service professionals, active and retired, and their family members in the United States and abroad who support America's values worldwide, I send my deepest thanks and appreciation." Bill Clinton.

Mr. HARRIS. Thank you very much. We appreciate that. I now have the great honor of introducing a distinguished American with a long, long successful record of service to this nation and to his community. Family members, distinguished guests, ladies, gentlemen, colleagues, the Secretary of State, Warren Christopher.

Secretary CHRISTOPHER. Thank you, Tex, Harold, Senator Kassenbaum. Senator Sarbanes, Secretary Perry, Secretary Kanter, and other distinguished guests here today.

Let me extend a special welcome to the families of the men and women we are honoring today. You will always be a close part of the State Department family.

As the President has said, we come together every year on this day to celebrate the dedication and the accomplishments of the Foreign Service. But this is often a sad day as well because it is the day we add names to the memorial plaques in remembrance of our colleagues who gave their lives in service to their country.

Thirty years ago there were 72 names on this wall, covering all of American history since 1780. Now the list has grown to 188. And in the last year, two terrible tragedies have reminded us again that in this dangerous world, duty and sacrifice often go hand in hand.

We often say that we must take risks for peace. Today we see that the risks are all too real. To our sorrow, we learn that peace cannot be made through telephone or fax. It usually can't be made in Washington or in Geneva. It can only be made by people who are willing to fly where the bullets fly, to go where roads are treacherous and where safety and security are often missing in action.

Sadly, we can't take the danger out of diplomacy. But we can and must honor the peacemakers and their deeds. And we can make sure the American people know of the sacrifices the peacemakers make for our sake.

Last August in Bosnia three American diplomats were on their way to the besieged city of Sarajevo when they lost their lives on a muddy mountain road. Bob Frasure, Joe Kruzel, and Nelson Drew believed that peace was possible in Bosnia. And they were certainly right. Indeed, they were the pathfinders who made peace possible.

Just a month ago, Ron Brown and a team of government officials and business leaders were on a journey to Croatia. They lost their lives trying to make sure that the peace our diplomats had forged would endure. They were convinced that American capital and American know-how could help rebuild that shattered land, that it could give the people of that country a reason to resist the temptations of war. And they, too, were right.

As I have travelled the world in the weeks since these two tragic events, I have received a chorus of condolences from leaders all around the world who understand the sacrifices made by the families of the men and women who died in those tragic events.

A short time ago, when I was in Sarajevo and in the compound of our Embassy, I

planted two dogwood trees in honor of Bob Frasure. But by far the most eloquent tribute to his work, and to Joe's and to Nelson's and to Ron's and all those we honor today, has been the return of normal life that I could see all around me in Sarajevo. Every school reopened, every family reunited, every road and factory rebuilt is a monument to the service of these brave Americans.

That monument, of course, is a work in progress. It is being shaped by countless hands—by our diplomats, our soldiers, by our civil servants, and by the people of the region. The memory of our fallen colleagues impels us not to rest—not to rest at all—until this work is completed.

The men and women we honor today, as the President said, will always represent what is best about America. They were generous enough to share their talent and spirits with others. They were dedicated enough to make sacrifices in the cause of public service. They were realistic enough to know that America's fate is inseparable from the fate of the world. And they were optimistic enough to believe that the difficult problems can be solved but only solved when America is determined to overcome them.

Thinking of them, I was reminded of something that one of our visitors this week, Shimon Peres, once said: "Nobody will ever really understand the United States . . . You have so much power, and [yet] you didn't dominate another people; you have problems of your own, and [yet] you have never turned your back on the problems of others."

Anyone who knew these wonderful friends and colleagues understands something very important about America. Anybody who passes through this hall and who pauses to think about the lives behind the names of the people on these plaques will understand something about the American ideal. Here, in the presence of these names, there is not an ounce of cynicism about the country or about the people who represent it.

So even as we mourn, let us keep alive the spirit that gave these lives such meaning. And let these names be a reminder to us all—a reminder of the risks and hardships that dedicated Americans endure for their country, and let it be a reminder of the constant need to carry on their work, our work, until it is finally finished.

Thank you very much. ●

ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1995

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 350, S. 1224.

The PRESIDING OFFICER. The clerk will report:

The bill clerk read as follows:

A bill (S. 1224) to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Administrative Dispute Resolution Act of 1995".

SEC. 2. AMENDMENT TO DEFINITIONS.

Section 571 of title 5, United States Code, is amended:

(1) in paragraph (3)—

(A) by striking out "settlement negotiations,"; and

(B) by striking out "and arbitration" and inserting in lieu thereof "use of ombuds, and binding or nonbinding arbitration,"; and

(2) in paragraph (8)—

(A) in subparagraph (B) by striking out "decision," and inserting in lieu thereof "decision,"; and

(B) by striking out the matter following subparagraph (B).

SEC. 3. AMENDMENTS TO CONFIDENTIALITY PROVISIONS.

(a) TERMINATION OF AVAILABILITY EXEMPTION TO CONFIDENTIALITY.—Section 574(b) of title 5, United States Code, is amended:

(1) in paragraph (5) by adding "or" at the end thereof;

(2) in paragraph (6) by striking out "; or" and inserting in lieu thereof a period; and

(3) by striking out paragraph (7).

(b) LIMITATION OF CONFIDENTIALITY APPLICATION TO COMMUNICATION.—Section 574 of title 5, United States Code, is amended—

(1) in subsection (a) in the matter before paragraph (1) by striking out "any information concerning"; and

(2) in subsection (b) in the matter before paragraph (1) by striking out "any information concerning".

(c) ALTERNATIVE CONFIDENTIALITY PROCEDURES.—Section 574(d) of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) To qualify for the exemption established under subsection (j), an alternative confidential procedure under this subsection may not provide for less disclosure than the confidential procedures otherwise provided under this section."

(d) EXEMPTION FROM DISCLOSURE BY STATUTE.—Section 574 of title 5, United States Code, is amended by striking out subsection (j) and inserting in lieu thereof the following:

"(j) A dispute resolution communication which is generated by or provided to an agency or neutral, and which may not be disclosed under this section, shall also be exempt from disclosure under section 552(b)(3)."

SEC. 4. AMENDMENT TO REFLECT THE CLOSURE OF THE ADMINISTRATIVE CONFERENCE.

(a) PROMOTION OF ADMINISTRATIVE DISPUTE RESOLUTIONS.—Section 3(a)(1) of the Administrative Dispute Resolution Act (5 U.S.C. 581 note; Public Law 101-552; 104 Stat. 2736) is amended by striking out "the Administrative Conference of the United States and".

(b) COMPILATION OF INFORMATION—

(1) IN GENERAL.—Section 582 of title 5, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking out the item relating to section 582.

(c) FEDERAL MEDIATION AND CONCILIATION SERVICE.—Section 203(f) of the Labor Management Relations Act, 1947 (29 U.S.C. 173(f)) is amended by striking out "the Administrative Conference of the United States and".

SEC. 5. AMENDMENTS TO SUPPORT SERVICE PROVISIONS.

Section 583 of title 5, United States Code, is amended by inserting "State, local, and tribal governments," after "other Federal agencies,".

SEC. 6. AMENDMENTS TO THE CONTRACT DISPUTES ACT.

Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended—

(1) in subsection (d) by striking out the second sentence and inserting in lieu thereof: "The contractor shall certify the claim when required

to do so as provided under subsection (c)(1) or as otherwise required by law."; and

(2) in subsection (e) by striking out the first sentence.

SEC. 7. AMENDMENTS ON ACQUIRING NEUTRALS.

(a) EXPEDITED HIRING OF NEUTRALS.—

(1) COMPETITIVE REQUIREMENTS IN DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by striking out "agency, or" and inserting in lieu thereof "agency, or to procure the services of an expert or neutral for use".

(2) COMPETITIVE REQUIREMENTS IN FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended by striking out "agency, or" and inserting in lieu thereof "agency, or to procure the services of an expert or neutral for use".

(b) REFERENCES TO THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.—Section 573 of title United States Code is amended—

(1) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) In consultation with other appropriate Federal agencies and professional organizations experienced in matters concerning dispute resolution, the Federal Mediation and Conciliation Service shall—

"(1) encourage and facilitate agency use of alternative means of dispute resolution; and

"(2) develop procedures that permit agencies to obtain the services of neutrals on an expedited basis."; and

(2) in subsection (e) by striking out "on a roster established under subsection (c)(2) or a roster maintained by other public or private organizations, or individual".

SEC. 8. ARBITRATION AWARDS AND JUDICIAL REVIEW.

(a) ARBITRATION AWARDS.—Section 580 of title 5, United States Code, is amended—

(1) by striking and subsections (c), (f), and (g); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) JUDICIAL AWARDS.—Section 581(d) of title 5, United States Code, is amended—

(1) by striking out "(1)" after "(b)"; and

(2) by striking out paragraph (2).

SEC. 9. PERMANENT AUTHORIZATION OF THE ALTERNATIVE DISPUTE RESOLUTION PROVISIONS OF TITLE 5, UNITED STATES CODE.

The Administrative Dispute Resolution Act (Public Law 101-552; 104 Stat. 2747; 5 U.S.C. 581 note) is amended by striking out section 11.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subsection IV of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 584. Authorization of appropriations

"There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 583 the following:

"Sec. 584. Authorization of appropriations."

Mr. COHEN. Mr. President, over the past decades, a consensus has emerged that traditional litigation is an inefficient way to resolve disputes. Not only is litigation costly, but due to its adversarial, contentious nature, litigation often deteriorates working relationships and fails to produce long-term solutions to problems.

Private corporations recognized many years ago that certain types of disputes could be resolved much less expensively and with less acrimony by relying on techniques such as mediation, arbitration, and partnering,