

divulged that he had not been discussing export controls, he had been talking about domestic controls on encryption designed by Americans for Americans. Mr. Freeh and his 80 lobbyists apparently never thought to bring this up so that it could be part of the Judiciary Committee's hearings on the legislation from the very beginning.

Why? Perhaps he knew the reception he would receive to the proposal that Americans should no longer be able to design, manufacture or import encryption unless the encryption technique ensured that a government approved third party could have access to the information without the user's knowledge. Thus, he would prefer that every time an American encrypts information to store it on a computer or to send it over the Internet, a third party must be able to access the information and the user would never know that the information had been accessed. This would change over 200 years of free speech.

#### IMPACT OF REQUIRING FBI'S PROPOSED DOMESTIC CONTROLS

I am a strong proponent of law enforcement. But I do not believe that we should adopt a system that our best and brightest say will be nearly impossible to design, hard to keep secure and probably very costly to consumers.

To my knowledge, no one has ever built or even begun to test the reliability, security, and costs of such a system. I have seen a report by another group of extremely well-known American scientists who tell me that they have no idea of how to design and implement this proposed domestic key recovery system. They also say that such a system could create greater vulnerability for its users. Apparently encryption techniques are not foolproof, and adding sufficient complexity to permit third party access will make the encryption even less secure. It also appears to be highly dependent upon the honesty and integrity of those third parties who have access to the information. Who, ultimately, do we trust?

I understand that while advances in technology have generally provided the FBI and other law enforcement with more investigatory tools, this one advance may make it more difficult for them. I propose instead that we look at methods that will help law enforcement to combat these new hurdles, rather than choosing the more simplistic approach of building law enforcement access into each and every encryption product.

I also can only image the bureaucracy necessary to handle the magnitude of information regarding encryption keys. It would have to rival many agencies we have spent years trying to reduce in size—the Internal Revenue Service and the Department of Commerce to name just a few.

While we are expending all of our efforts trying to lessen government intrusion in our lives, domestic encryption controls as proposed by Mr. Freeh would create probably the largest intrusion yet.

Finally, I have a basic concern about requiring American citizens to provide access to their information if they decide to encrypt it. If I write a letter in the privacy of my own home and leave it in my desk drawer, I do not have to provide a copy of my house key and desk drawer key with the local police so that they may look at it easily without my knowledge. I do not see why this should change if I write this letter on my computer and decide to encrypt it. Why should this act require me to

let others have the capability of viewing it without my knowledge? I agree with the constitutional law professors who stated that this would have a "chilling effect" on American speech.

#### FOREIGNERS SIMPLY WILL NOT PURCHASE AND CRIMINALS WILL NOT USE AMERICAN DESIGNED MANDATORY KEY RECOVERY ENCRYPTION PRODUCTS

Ultimately, foreigners will not purchase or use American encryption products if they provide mandatory third party access to information. Neither will criminals. They know that the encryption technique is strongly desired by American law enforcement because law enforcement can monitor or otherwise access the information. Why would they voluntarily use such a product when they can use a 128-bit product they can obtain today over the Internet from tens of countries.

The FBI alleges that all foreign governments are eager to adopt similar controls on their citizens. While this is true of France, it is not true of the European Union for example, which categorically rejected the administration's proposal for a worldwide key recovery infrastructure requirement.

The only impact of the FBI proposal is that normal, law abiding American citizens will use American designed encryption programs. Foreigners will turn to foreign sources for their nonkey recovery products, and criminals will certainly turn to the same foreign sources. Thus, the FBI proposal does not address the real problem created by encryption technology. I do not want to put in place a large, costly bureaucracy that will not permit law enforcement to bet the information it believes necessary.

#### WHAT IS BEST FOR AMERICA

The United States should not try to control the export of something that by its very nature is uncontrollable. The United States should also not take a lead in forcing its citizens to adopt a costly technology that will insure easy monitoring and intrusion by law enforcement. Our constitutional guarantees of free speech and our rights to privacy should not be in any way lessened in order to accomplish Louis Freeh's desire for a fourth amendment for the 21st century. We in Congress should act now to relax export controls on encryption technology and to ensure that Americans remain free to speak in whatever manner they desire, using whatever encryption they choose.

#### INTRODUCTION OF LEGISLATION REQUIRING PEER REVIEW IN OSHA RULEMAKING

#### HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 7, 1997*

Mr. BALLENGER. Mr. Speaker, today I am introducing legislation to require that future occupational safety and health standards be subject to peer review as part of the rulemaking process.

Part of the Clinton Administration's promise to reinvent OSHA was the commitment to commonsense regulations. Whatever else that might mean, surely it must mean that such regulations are based on sound science.

The congressionally mandated Presidential-Congressional Commission on Risk Assessment and Risk Management said this about

peer review in its recent report: "Peer review is an important and effective mechanism for evaluating the accuracy or appropriateness of technical data, observations, interpretations, and the scientific and economic aspects of regulatory decisions. Peer review should provide balanced, independent views. When used well, peer review can serve as a system of checks and balances for the technical aspects of the regulatory process" (Risk Assessment and Risk Management in Regulatory Decision-Making, Volume 2, page 103).

While other Federal regulatory agencies have adopted politics on peer review of major regulatory actions, OSHA has not adopted such a policy and only rarely has conducted peer review in conjunction with regulations. A draft policy circulated near the end of the Bush administration, was left unfinished and never implemented by the Clinton administration.

It will no doubt be alleged by some that requiring peer review is intended to delay or draw out the rulemaking process. In fact, peer review can prevent OSHA from errors that can save years of controversy and litigation. As the Presidential-Congressional Commission on Risk Assessment and Risk Management noted: "An open process of sharing the findings and conclusions from peer review can increase the credibility of a risk assessment and stakeholders confidence in the conclusions. Peer review might even be useful in the first stage of putting a problem in context, drawing in experienced health officials and researchers" (Volume 2, page 103).

The legislation generally requires that peer review be part of OSHA's rulemaking process. However, where the rule is adopted through negotiated rulemaking, conducted in accordance with the Negotiated Rulemaking Act which insures that affected persons are adequately represented in the negotiations, a separate peer review of the scientific and economic basis for the standard is not required.

Mr. Speaker, I look forward to working with my colleagues in adopting this important legislation.

#### CONGRATULATION TO STANTON J. BLUESTONE

#### HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 7, 1997*

Mr. BARRETT of Wisconsin. Mr. Speaker, today, I ask the House to join me in congratulating Stanton J. Bluestone the 1997 recipient of the American Jewish Committee's Institute of Human Relations award.

Stanton started in retail at Shillito's Department Store in Cincinnati, in 1957. His rise through the industry took Stanton and his family to New York, Illinois, Indiana, and finally Wisconsin. Today, as Chairman of the Board and CEO of Carson Pirie Scott & Co., Stanton Bluestone oversees a chain of 56 department stores from the company's Milwaukee headquarters. Throughout his career, his creativity, his dedication, and his unique ability to bring out the best in his associates have earned Stanton the respect of his coworkers and peers.

The AJC's Institute of Human Relations Award recognizes not only Stanton's personal

and professional successes, but also his many volunteer civic contributions. Stanton has demonstrated caring and stewardship in each of the communities along his journey, and his career exemplifies the ideal of commerce in the public interest. He presently serves on the boards of the Milwaukee Art Museum, the Milwaukee Symphony Orchestra, the Greater Milwaukee Committee, and he serves as treasurer for the Milwaukee Jewish Federation.

I have great respect for Stanton Bluestone and his wife Judy and I can confidently say that the AJC could not have made a better selection. I am honored to join Stanton Bluestone's many friends and admirers in offering congratulations on this important and richly deserved honor.

HOUSE JOINT RESOLUTION 102 REAFFIRMING U.S. LINKS WITH ISRAEL ON THE 50TH ANNIVERSARY OF THE ESTABLISHMENT OF THE MODERN STATE OF ISRAEL

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 7, 1997*

Mr. LANTOS. Mr. Speaker, on November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine, and that action set in place the conditions which led to the reestablishment of the State of Israel 6 months later. On May 14, 1948 the people of Israel formally proclaimed the establishment of the modern State of Israel, and on that very same day, the United States extended diplomatic recognition to the new state.

Beginning later this month with the 50th anniversary of the United Nations General Assembly vote and continuing through the formal celebration of the 50th anniversary of the proclamation of the state next May, the people of Israel are marking a half century of the flourishing of the modern State of Israel.

Mr. Speaker, it is most appropriate that we here in the Congress on behalf of the American people reaffirm the bonds of warm friendship that link us with the Jewish people and Israel. Israel is our only democratic ally in the volatile Middle East region, and the strong common links that bind us with the people of Israel reflect our shared experiences and our strong shared interests.

Today, with our distinguished colleague and the Chairman of the International Relations Committee, Congressman BENJAMIN GILMAN, and a number of our other distinguished colleagues in the House, I have introduced a Joint Resolution which (1) recognizes the historic significance of the fiftieth anniversary of Israel, (2) commends the people of Israel for their remarkable achievements in building a new state and a pluralistic democratic society in the face of half a century of terrorism, hostility and belligerence by many of her neighbors, (3) reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for the past half-century and which have been significant for both countries, and (4) extends the warmest congratulations and best wishes to the State of Israel and her people for a peaceful and prosperous and successful future.

Mr. Speaker, I invite my colleagues to join me and Chairman GILMAN in cosponsoring this resolution, and I ask that the text of our resolution be included in the RECORD.

H.J. RES. 102

Expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel.

Whereas on November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine, and through that vote, to create the State of Israel;

Whereas on May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel and the United States Government established full diplomatic relations with Israel;

Whereas the desire of the Jewish people to establish an independent modern state of Israel is the outgrowth of the existence of the historic Kingdom of Israel established three thousand years ago in the city of Jerusalem and in the land of Israel;

Whereas one century ago at the First Zionist Congress on August 29 to 31, 1897, in Basel, Switzerland, participants under the leadership of Theodore Herzl affirmed the desire to reestablish a Jewish homeland in the historic land of Israel;

Whereas the establishment of the modern State of Israel as a homeland for the Jews following the slaughter of more than six million European Jews during the Holocaust;

Whereas since its establishment fifty years ago, the modern state of Israel has rebuilt a nation, forged a new and dynamic society, and created a unique and vital economic, political, cultural, and intellectual life despite the heavy costs of six wars, terrorism, international ostracism, and economic boycotts;

Whereas the people of Israel have established a vibrant and functioning pluralistic democratic political system including freedom of speech, a free press, free and fair and open elections, the rule of law, and other democratic principles and practices;

Whereas, at great social and financial costs, Israel has absorbed hundreds of thousands of Jews from countries throughout the world, many of them refugees from Arab countries, and fully integrated them into Israeli society;

Whereas for half a century the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect; and

Whereas the American people have shared an affinity with the people of Israel and regard Israel as a strong and trusted ally and an important strategic partner;

Now, therefore, be it *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United States

(1) recognizes the historic significance of the fiftieth anniversary of the reestablishment of the sovereign and independent modern State of Israel;

(2) commends the people of Israel for their remarkable achievements in building a new state and a pluralistic democratic society in the Middle East in the face of terrorism, hostility and belligerence by many of her neighbors;

(3) reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for the past half-century and which have been significant for both countries; and

(4) extends the warmest congratulations and best wishes to the State of Israel and her

people for a peaceful and prosperous and successful future.

HONORING AMBASSADOR  
SHYAMALA B. COWSIK OF INDIA

**HON. JON D. FOX**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 7, 1997*

Mr. FOX. Mr. Speaker, it is an honor as a member of the International Relations Committee's Subcommittee on Asia and the Pacific to bid farewell to a person who has worked closely with members of our Committee and the Congress as a whole. After 2 years of tireless work, she has completed her second tour in Washington and sadly will be moving to a new post. The Ambassador's professionalism and keen understanding of our two nation's histories, culture, and diplomatic relations allowed her to be particularly effective.

During this period, we have witnessed a dramatically expanded dialogue between our nations. This has taken the form of interparliamentary contacts, ministerial meetings, trade growth and a visit by the First lady. As a result of Ambassador Cowsik's work, I am convinced that our two democracies can work to create an international order that is based on international law and mutual respect.

LIMITED OVERTIME EXEMPTION

**HON. LINDSEY O. GRAHAM**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 7, 1997*

Mr. GRAHAM. Mr. Speaker, today I am introducing legislation to provide a limited overtime exemption from section 7(k) of the Fair Labor Standards Act (FLSA) for public sector employees who provide emergency medical services (EMS)—the same FLSA exemption afforded to fire protection personnel. Without this change in law, there will continue to be circumstances in which EMS personnel are working the same tours of duty as either fire protection or law enforcement personnel, but must be paid overtime for any hours worked in excess of 40 hours during any workweek.

In some localities, such as Pickens County, SC, EMS functions are entirely separate from fire protection and law enforcement activities, but their job duties are identical. There should be no difference in the treatment of EMS personnel under the FLSA simply because of the manner in which emergency services are provided by local communities. Furthermore, in many jurisdictions, the majority of emergency calls are medical emergencies. The current situation is very expensive for State and local governments and intrudes on their management of fire protection and law enforcement activities.

Section 7(k) of the FLSA provides a partial exemption from overtime for those employees engaged in fire protection and law enforcement activities. Employers are allowed to establish work periods of up to 28 days, and overtime compensation is not owed until fire protection employees have worked more than 212 hours and law enforcement personnel exceed 171 hours of work. There have been