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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 S12195 2002

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transportation funding continues to flow for highways, mass transit and safety programs. In addition, this bill will enable continued operation of the United States Department of Transportation.

Each state will be assured access to transportation funds equaling at least 90 percent, and not more than 75 percent of the state's total transportation funding in FY1997. Moreover, states will have until May 1, 1998, to obligate those funds. No state will be able to obligate Federal funds after that date.

Every member should understand that this approach essentially creates another transportation funding crisis in only a few short months. This is far from a comfortable situation.

Next year, when we take up the ISTEA reauthorization bill, we will be in the middle of the FY99 budget discussions and a decision about whether to allocate new funds that may become available as a result of improved budget projections. So, the debate over ISTEA, and the reality of another funding cutoff, will likely coincide with discussions over the FY99 Budget Resolution. As the Ranking Democratic Member of the Budget Committee, I can assure you that I will be doing my best to make additional investment in our transportation infrastructure a high priority during these discussions.

Mr. President, when it became clear over one month ago that there was not enough time to fully debate a multi-year authorization bill, I starting calling for enactment of a short-term extension of ISTEA. This was the logical approach toward ensuring that States' transportation funding would not run dry.

The States need additional funds now to meet their immediate transportation needs. ISTEA expired over a month ago, and although States have funding left over from previous years, these available funds will begin to run dry very soon for many States. Highway safety programs have been particularly hard hit because they have no leftover funding. Mass transit programs have no funding reserves.

A straightforward reauthorization of ISTEA for six months is, to me, the easiest and fastest way to proceed. A House bill to do just that is currently pending on the Senate calendar. By simply continuing current law, this short-term extension also bypasses the controversy caused by enacting changes to the existing funding formulas or apportionments. In addition, passage of the House extension bill would allow us to immediately send this legislation to the President, rather than having to begin new discussions in a conference with the House. However, I understand that controversy is in the eye of the beholder, and there is a feeling among many in this body that allocation of new money will inevitably result in a discussion of formulas. So here we are.

Mr. President, in the absence of a six month extension of current law, I reluctantly support the Bond compromise, which identified those needs that had to be addressed in a stop-gap measure.

Mr. President, it is imperative that by the time Congress adjourns this year, both the House and Senate agree on an approach and send a bill to the President that can be signed into law. It is clear to most, that failure to enact some stopgap measure before we adjourn will have a severe impact on the transportation programs of the States. All State plans for new transportation construction, maintenance, and repair activities will be stopped. State transit agencies, metropolitan planning organizations, safety programs, and State planning and bidding activities will immediately suffer from funding shortages. Without a bill, important agencies within USDOT will shut down by mid- to late December. As a result, no projects involving Federal funding could go forward. This would have a huge impact on the States. Federal funds pay for over half the capital costs of State and local highway projects.

The situation is even more bleak for all the other programs authorized under ISTEA—the safety programs, Intelligent Transportation Systems program, research programs, and—something very important to my state—the federal transit program. There are no funds left over to continue these programs.

Perhaps the most distressing effect of our failure to act is the safety risk imposed on our constituents, as drunk driving prevention programs, truck and bus safety enforcement, bridge inspections, and highway/rail crossing projects are suspended. For safety reasons alone, we must ensure that some authority is extended. This bill does just that.

While this bill is important, I do have some concerns. Under this bill, States would have the flexibility to shift unobligated balances among programs to ensure that states can use their scarce funds where they are most needed. For instance, a State could use its left-over CMAQ or enhancement funds to pay for a highway construction project. Language is included to prevent States from abandoning the responsibility to pay back the accounts from which they transferred funds. I remain concerned that these pay-back provisions will not be honored. States must be strictly required to pay back all of these transfers, including transfers from their CMAQ accounts, otherwise valuable programs, critical to our Nation's health and welfare, may be depleted. We must watch this closely to ensure that the program is protected.

Mr. President, this bill authorizes the additional funding needed to keep crucial safety programs running, to allow States to continue their transportation projects and plans, to keep the U.S. Department of Transportation operating, and to continue the federal transit program for six months. Although this bill will most likely lead to yet another funding crisis in the near future, I want to do all I can to make sure that the Senate does not adjourn without somehow addressing the lapse in transportation funding. I prefer a straight extension of current law, and urged Senator LOTT to bring it up. However, he rejected that path. Since that option is not before the Senate, I support this proposal as an acceptable compromise to carry us over until an ISTEA reauthorization bill is passed into law.•

SUPPORT U.S. ENCRYPTION EXPORTS

• Mrs. MURRAY. Mr. President, I rise to discuss an issue of great importance to Washington state. I remain deeply concerned about the Administration's lack of progress in working with interested Senators and industry to craft a workable, effective solution for modernizing the United States export controls on products with encryption capabilities. I have been involved in this debate for a long time, too long. We need to take action.

I am an original cosponsor of several encryption legislative initiatives introduced by Senator BURNS and Senator LEAHY. Both of these Senators continue to do extraordinary work on this issue and I commend them for their thoughtful leadership. The Burns and Leahy bills basically say that if strong encryption is generally available or comparable encryption is available from foreign vendors, then our U.S. companies—the ones dominating the computer industry—should be able to sell their products as well. Previously, I also introduced similar legislation on encryption.

I simply do not understand the Administration's continued refusal to acknowledge technological and marketplace realities when it has embraced the use of technology in so many ways.

Computer users are demanding the ability to communicate securely over the Internet and to store data safely on their personal computers. We have all heard the stories about hackers monitoring our communications and even financial transactions, while at the same time gaining access to our hard drives while we are looking at a certain website. Until consumers have confidence that transactions and communications are secure, I do not believe that we will ever see the full potential of the communication technologies that are currently available and those to be developed in the future.

I was hopeful late last year that the Administration had taken a very small, positive step on encryption exports. Instead, the result was basically the status quo. Computer software publishers and hardware manufacturers are still limited to shipping the same old 40-bit encryption unless they agree to design key recovery systems according to a government mandated standard. Ultimately, due to economics and

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marketing issues in the computer world, most Americans are still limited to this 40-bit strength encryption as well, because our companies develop one product for worldwide distribution.

What will it take for the federal government to learn that consumers are opposed to having "Big Brother" interfere with their technology choices. We all remember the failed Administration attempts on Clipper I and Clipper II. Yet, the federal government persists in its efforts to peek into the private lives of law-abiding American citizens. The latest salvo by FBI Director Louis Freeh in demanding government mandated encryption for domestic users is the latest example of government obstruction of private decisions by American consumers and business opportunities for American innovators. If Director Freeh gets his way, the federal government will have even greater authority to peer and peek into the private lives of American citizens. "Big Brother" as feared by law-abiding Americans has a powerful champion at the Federal Bureau of Investigation.

While this war of attrition is taking place, we are losing in the trenches. Foreign vendors are happily supplying stronger 128-bit encryption to our foreign purchasers. Some of these vendors have publicly thanked the U.S. government for helping them to develop thriving businesses. Importantly, current U.S. policy represents a surrender of an industry where our innovative workers and companies are technologically superior. We are surrendering jobs and economic opportunities both today and for the long term. There are many examples from my own State of Washington, usually small start-up firms eager to grow, diversify and develop new high-tech applications in computer hardware and software. These firms regularly point out to me the names and business histories of their foreign competitors that have gladly taken business opportunities from Washington firms restricted by ineffective government mandates.

It is time for the United States to acknowledge that we no longer exclusively control the pace of technology. Purchasers around the world can download software off of the Internet from any country by simply accessing a website. Foreign purchasers have turned to Russian, German, Swiss and other foreign vendors for their encryption needs. We are truly trying to put the genie back in the bottle—a genie so nimble that it can transfer in seconds from one location to another using a modem over a traditional telephone line.

U.S. law enforcement seems to believe that Americans will recapture this market once our industry has developed key recovery systems for 128-bit or stronger encryption technology. This is extremely naive in my opinion. All the world will know that the U.S. government approved export technology will enable U.S. law enforcement to view encrypted information. Most foreigners believe the U.S. government will use this capability to spy on them; for law enforcement, political and economic information. Foreigners will simply buy elsewhere, period. It's pretty simple to me. What foreign entity would want to surrender information to the U.S. government when they can easily avoid this by purchasing someone else's product?

Again, I turn to the approach advocated by Senator BURNS and Senator LEAHY. S. 909 as adopted by the Senate Commerce Committee simply does not go far enough. While it makes some minor modifications to export controls, it also goes in the totally wrong direction by starting down the path of domestic controls on encryption.

Washington state and American companies deserve the opportunity to compete free from government restrictions. Their role in the international marketplace should be determined by their ingenuity and creativity rather than an outdated, ineffectual system of export controls. The time to act is now, the longer we wait, the further behind America gets on this issue.•

RECOGNITION OF GIRL SCOUT GOLD AWARD RECIPIENTS

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize Misty Hansen of Girl Scout Troop 1080. Misty is an outstanding young woman who has received the Girl Scout Gold Award from the Nyoda Girl Scout Council in Huron, South Dakota. The Girl Scout Gold Award is the highest achievement award in U.S. Girl Scouting. This award exemplifies her outstanding feats in the areas of leadership, community service, career planning and personal development.

Misty is one of just 20,000 Gold Award recipients since the creation of the program in 1980. In order to receive this award, Misty completed the many Gold Award requirements. She earned three interest project patches: the Career Exploration Pin, the Senior Girl Scout Leadership Award and the Senior Girl Scout Challenge. Also, she created and executed a Girl Scout Gold Award project which included researching the history of the first 30 years of the Nyoda Girl Scout Council.

Mr. President, I feel Misty deserves public recognition for her tremendous service to her community and her country. I offer my congratulations to her for her hard work and effort in reaching this milestone.•

JOSEPH HENRY, THE SMITHSONIAN AND FREDERICK SEITZ

Mr. MOYNIHAN. Mr. President, Friday, the 7th of November 1997, on the occasion of the bicentennial of the birth of Joseph Henry, the Joseph Henry Medal was presented to Dr. Frederick Seitz at a dinner of the Smithsonian Council. Clearly, this was a special occasion, and it was singularly appropriate that Frederick Seitz should be the honoree. The citation of the splendid gold medal reads:

The Board of Regents gratefully presents the Joseph Henry Medal to Frederick Seitz in recognition of his manifold contributions to The Smithsonian Institution. His advancement of the Smithsonian's research and educational programs in the sciences, history, and the history of science has exemplified the ideals of James Smithson's mandate . . . "for the increase and diffusion of knowledge."—May 4, 1997.

Having received the medal, Dr. Seitz, with his enormous erudition and no less prodigious self-effacing manner, presented a paper of great interest. Entitled, Joseph Henry: 200th Anniversary of Birth, he wrote of the belated appearance of science as a large-scale activity in the American Republic, but also of four early pioneers: Benjamin Franklin, Benjamin Thompson, Henry A. Rowland, and Joseph Henry himself. Which of us would know that Franklin discovered the Gulf Stream? That is just one of the absorbing details of this fascinating disquisition. I ask that it be printed in the RECORD in honor of Frederick Seitz, Joseph Henry, and all that splendid company.

The material follows:

JOSEPH HENRY: 200TH ANNIVERSARY OF BIRTH

When I first heard the rumor that I would receive the Joseph Henry Medal on this special anniversary, I assumed it was a case of mistaken identity. Very friendly calls from Senator Moynihan, Homer Neal and Marc Rothenberg, however, finally carried conviction. Needless to say I will continue to experience a sense of awe in playing a role on this special anniversary since the scientific community, of which I have been part for most of my life, owes so much to Henry, as I shall presently relate.

Our country, had so many difficult practical problems to solve in its early days, that it did not take much interest in the fundamental aspects of science, in contrast to the European countries, until the end of the nineteenth century, that is, about a hundred years ago when it created what was then called the National Bureau of Standards. Even this step had a very practical aspect since we were encouraging exports and wanted to be in tune with standards of manufacture internationally as well as at home. It is true that we did have the closely linked Smithsonian Institution and National Academy of Sciences at that time. However their existence was in the last analysis tied closely to the unsolicited gift in 1832 of James Smithson, an English scientist who admired the promises for the future of mankind that our republic offered. Moreover, he felt that it was inevitable that we would eventually become deeply involved in the pursuit of basic science.

Even though our country did not encourage the development of the basic sciences until the century we are now leaving behind, we did manage to produce from our own soil a few world-class scientists, including four truly great physicists, not least Joseph Henry, during the previous two centuries. I would like to say a few words about each.

The first was no less a person than Benjamin Franklin, born in Boston in 1706, but more generally linked to Philadelphia, his adopted home. We all know about the experiment with lightning and the kite and his research with lightning arrestors, however, this is only part of the story. He discovered, as a result of extensive correspondence, that our continental weather tends to have a

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