

To be brigadier general

Col. Edwin J. Arnold, Jr., 0000.
 Col. John R. Batiste, 0000.
 Col. Buford C. Blount, III, 0000.
 Col. Steven W. Boutelle, 0000.
 Col. John S. Brown, 0000.
 Col. Edward T. Buckley, Jr., 0000.
 Col. Eddie Cain, 0000.
 Col. Kevin T. Campbell, 0000.
 Col. Jonathan H. Cofer, 0000.
 Col. Bantz J. Craddock, 0000.
 Col. Keith W. Dayton, 0000.
 Col. Barbara Doornink, 0000.
 Col. Paul D. Eaton, 0000.
 Col. Jeanette K. Edmunds, 0000.
 Col. Karl W. Eikenberry, 0000.
 Col. Dean R. Ertwine, 0000.
 Col. Steven W. Flohr, 0000.
 Col. Nicholas P. Grant, 0000.
 Col. Stanley E. Green, 0000.
 Col. Craig D. Hackett, 0000.
 Col. Franklin L. Hagenbeck, 0000.
 Col. Hubert L. Hartsell, 0000.
 Col. George A. Higgins, 0000.
 Col. James C. Hylton, 0000.
 Col. Gene M. LaCoste, 0000.
 Col. Michael D. Maples, 0000.
 Col. Philip M. Mattox, 0000.
 Col. Dee A. McWilliams, 0000.
 Col. Thomas F. Metz, 0000.
 Col. Daniel G. Mongeon, 0000.
 Col. William E. Mortensen, 0000.
 Col. Raymond T. Odierno, 0000.
 Col. Eric T. Olson, 0000.
 Col. James W. Parker, 0000.
 Col. Ricardo S. Sanchez, 0000.
 Col. John R. Schmader, 0000.
 Col. Gary D. Speer, 0000.
 Col. Mitchell H. Stevenson, 0000.
 Col. Carl A. Strock, 0000.
 Col. Charles H. Swannack, Jr., 0000.
 Col. Hugh B. Tant, III, 0000.
 Col. Terry L. Tucker, 0000.
 Col. William G. Webster, Jr., 0000.
 Col. John R. Wood, 0000.

(The above nominations were reported with the recommendation that they be confirmed.)

The following executive reports of committees were submitted on July 24, 1997:

By Mr. THURMOND, from the Committee on Armed Services:

John J. Hamre, of South Dakota, to be Deputy Secretary of Defense.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Jamie Rappaport Clark, of Maryland, to be Director of the United States Fish and Wildlife Service.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Richard Thomas White, of Michigan, to be a member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1999.

Calvin D. Buchanan, of Mississippi, to be U.S. attorney for the Northern District of Mississippi for the term of 4 years.

Thomas E. Scott, of Florida, to be U.S. attorney for the Southern District of Florida for the term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1061. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. D'AMATO (for himself and Mr. SARBANES):

S. 1062. A bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER:

S. 1063. A bill to suspend temporarily the duty on KN001 (a hydrochloride); to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1064. A bill to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 1065. A bill to amend the Ethics in Government Act with respect to the appointment of an independent counsel; read the first time.

By Mr. WELLSTONE (for himself, Mr. GRASSLEY, Mr. KERREY, Mr. JOHNSON, Mr. DASCHLE, and Mr. CONRAD):

S. 1066. A bill to amend the Internal Revenue Code of 1986 to allow the alcohol fuels credit to be allocated to patrons of a cooperative in certain cases; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. DORGAN, Mr. FEINGOLD, Mr. LEAHY, Ms. MOSELEY-BRAUN, Mr. WELLSTONE, Ms. LANDRIEU, Mr. KENNEDY, and Mr. HARKIN):

S. 1067. A bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself and Mr. SARBANES):

S. Con. Res. 42. Concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself and Mr. SARBANES):

S. 1062. A bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL FOR ECUMENICAL PATRIARCH BARTHOLOMEW

Mr. D'AMATO. Mr. President, today I join my friend and colleague from the Banking Committee, Senator SARBANES, to offer a bill that would authorize a congressional gold medal in recognition of the tremendous leadership role—in interfaith relations, international affairs, the promotion of global environmental protection, and the defense of human rights worldwide—of his all holiness Ecumenical Patriarch Bartholomew of Constantinople.

In addition, we are submitting a concurrent resolution providing for the use of the rotunda of the Capitol for a ceremony honoring Patriarch Bartholomew on his visit to the United States in late October of this year.

The Ecumenical Patriarch Bartholomew is the 270th successor of the nearly 2,000 year old Orthodox Christian Church founded in 36 A.D.

As the spiritual leader of the Orthodox Christian Church, Patriarch Bartholomew is the voice for nearly 300 million followers around the world—5 million of which live in the United States and are of Greek, Russian, Ukrainian, and Serbian descent. The contributions of these Americans to our history and culture exemplify the values, ideals, and dreams of this great Nation.

A champion of religious unity and cooperation, Patriarch Bartholomew is working to promote interfaith dialog between the Orthodox Church and the Roman Catholic Church, leading Protestant denominations, Muslim leaders, and various faiths of America's multiethnic diversity.

Patriarch Bartholomew has also sought to strengthen the bonds between Judaism and Orthodox Christianity. In 1994, he worked side by side with Rabbi David Schneier and the Appeal of Conscience Foundation to co-sponsor the Peace and Tolerance Conference, bringing together Christians, Jews, and Muslims for human and religious freedom.

As a citizen of Turkey, Patriarch Bartholomew is deeply concerned about the need to sustain the cause of peace. He has been a dynamic leader in efforts to ease Greek-Turkish tensions and to promote international cooperation, adherence to international law, and respect for the human rights of victims of aggression.

The impact of Patriarch Bartholomew's compassion is far-reaching. In the war-torn countries of the Balkans,

Patriarch Bartholomew has helped to advance reconciliation among Catholic, Muslim, and Orthodox communities.

Mr. President, Patriarch Bartholomew also cares very deeply for the environmental legacy we will one day leave to our children. Together with global leaders, he convened an international environmental symposium emphasizing the health and well-being of the world's oceans. The Patriarch is also a cosponsor of an annual conference addressing the protection of our global environment.

Born in Turkey in 1940, Patriarch Bartholomew has selflessly dedicated his life to religious service. He is a graduate of the renowned Theological School of Halki, which was forced to close by the Turkish Government in 1971. This school must re-open as a basic matter of religious freedom.

Patriarch Bartholomew has also received numerous honorary doctorates and academic honors from institutes and universities all across the globe.

Mr. President, in October of this year, Patriarch Bartholomew will visit the United States to offer his spiritual message of unity, compassion, and brotherhood. It is our belief that Congress honor the work of this great leader in recognition of his outstanding and enduring contributions to: the freedom of the world's religions, world peace, conflict resolution and the rule of law, global environmental protection, the betterment of humankind, and the protection of dignity and human rights of every man, woman, and child.

Therefore, Mr. President, it is fitting and appropriate that this body bestow the congressional gold medal upon a visionary for our times, his all holiness Ecumenical Patriarch Bartholomew.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Ecumenical Patriarch Bartholomew—

(A) is the spiritual leader of nearly 300 million Orthodox Christians around the world and millions of Orthodox Christians in America; and

(B) is recognized in the United States and abroad as a leader in the quest for world peace, respect for the earth's environment, and greater religious understanding;

the extraordinary efforts of Ecumenical Patriarch Bartholomew continue to bring people of all faiths closer together in America and around the world;

(3) the courageous leadership of Ecumenical Patriarch Bartholomew for peace in the Balkans, Eastern Europe, the Middle East, the Eastern Mediterranean, and elsewhere inspires and encourages people of all faiths toward his dream of world peace in the new millennium; and

(4) the outstanding accomplishments of Ecumenical Patriarch Bartholomew have been

formally recognized and honored by numerous governmental, academic, and other institutions around the world.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions to religious understanding and peace.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 3 shall be deposited in the Numismatic Public Enterprise Fund.

Mr. SARBANES. Mr. President, I am pleased to join Senator D'AMATO, chairman of the Senate Committee on Banking, Housing, and Urban Affairs, in introducing legislation awarding the congressional gold medal to Ecumenical Patriarch Bartholomew, the spiritual leader of approximately 300 million Orthodox Christians worldwide. The occasion of this legislation is to honor Patriarch Bartholomew's first visit to the United States as Patriarch and to recognize his outstanding contributions to world peace and understanding during his tenure as head of this ancient branch of Christianity. As a Greek-Orthodox American and member of the Greek Orthodox Cathedral of the Annunciation in Baltimore, I am particularly gratified to join in this tribute.

During his American visit, which will take place from October 19 through November 17, 1997, Patriarch Bartholomew will meet with thousands of Orthodox faithful and will take the opportunity to convey his message of reconciliation to Americans of all backgrounds and beliefs. His All Holiness has been a leader in ecumenical understanding and has convened important meetings which have brought together participants of all religious backgrounds. In 1994, in cooperation with Rabbi David Schneider and the Appeal of Conscience Foundation, he cosponsored a peace and tolerance Conference in Istanbul where Christians, Jews, and Muslims joined together to discuss important and pressing issues.

As spiritual head of world Orthodoxy, Patriarch Bartholomew has been a leader in the quest for peace throughout the world, particularly in Eastern Europe, the Balkans, and the Middle East. He has vigorously spoken out against extremists and those who would use violence to achieve their ends and has counseled respect for all peoples, irrespective of their nationality and religion; his ministry has been a call to our best virtues.

From his historical seat in Istanbul, Turkey, Patriarch Bartholomew has served as a mediator between East and West, Christians and Muslims, and as a force for openness and tolerance in the newly emerging independent countries of Eastern Europe.

As he pursues the goal of peace, Patriarch Bartholomew is equally vigorous in his desire to preserve and promote the earth's environment as a reflection of God's creation. Working with the European Commission, the Worldwide Fund for Nature, and his Royal Highness Prince Philip, he has cosponsored significant international conferences on the environment, including one scheduled for this fall on the future ecological health of the Black Sea.

I believe it is most fitting that the visit and the accomplishments of Patriarch Bartholomew should be recognized and honored by this gold medal as it will reflect the appreciation of the American people for his ministry of peace and reconciliation.

I am also pleased to join Senator D'AMATO in submitting a concurrent resolution providing for the use of the rotunda for a ceremony honoring Patriarch Bartholomew.

By Mr. ROCKEFELLER:

S. 1063. A bill to suspend temporarily the duty on KN001 (a hydrochloride); to the Committee on Finance.

TEMPORARY DUTY SUSPENSION

Mr. ROCKEFELLER. Mr. President, today I am introducing a duty suspension bill that will not only benefit the chemical workers in my state of West Virginia, but also will enable U.S. farmers to grow more crops at lower cost and protect the environment at the same time.

This legislation will suspend the U.S. duty on a hydrochloride known by its code name of KN001. This substance is a key raw material in a new, environmentally safe family of agricultural chemicals invented by DuPont in the 1980's. These new agricultural chemicals, called sulfonylureas, are used in extremely small amounts by farmers to control weed growth in their fields without harming the crops that the farmers are trying to grow. By suppressing weed growth, these chemicals make sure that all of the available soil nutrients and moisture go into growing the crops instead of growing weeds. Because sulfonylureas operate on plant enzymes, they do not affect insects or animals, and because they biodegrade

rapidly, they are among the most environmentally friendly crop protection chemicals in use today.

An additional benefit of suspending the duty on KN001 is the effect it will have on jobs in my home state of West Virginia. DuPont is in the process of constructing a \$20 million revitalization project at their plant in Belle, West Virginia, and KN001 is the cornerstone of that project. The new investment will enable the production at Belle of a new sulfonylurea product family that uses KN001 as a feedstock. This revitalization project will preserve 50 existing jobs at Belle and create over a dozen new jobs.

On top of all that, I've been told that this duty suspension is unlikely to result in any substantial revenue loss to the U.S. Treasury. Because it is used in the manufacture of new products, U.S. imports of this chemical are very small, and the resulting duty is also small. Equally important is the fact that this substance is not manufactured in the United States by another company, so no U.S. producer should be disadvantaged by the duty suspension. It's rare that we get a chance to support legislation that benefits workers, farmers, and the environment at virtually no cost to the Treasury. This is one of those times, and I hope the Sen-

ate will look favorably on this modest measure at the appropriate time.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of Chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.30.41 2-4-dichloro-5-hydroxyhydrazine hydrochloride (CAS No. 189573-21-5) (provided for in subheading 2928.00.25)

Free

No change

No change On or before 12/31/98".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1064. A bill to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park, and for other purposes; to the Committee on Energy and Natural Resources.

THE GLACIER BAY MANAGEMENT AND PROTECTION ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation addressing several important aspects of the administration and management of Glacier Bay National Park, one of the most popular and unique tourist destinations in the country.

This bill will encourage the continuation of the Park Service's ongoing efforts to work with concession operators to improve visitor services, as well as deal fairly and finally with a longstanding dispute over the status of commercial and subsistence fishing.

On the latter subject, this bill reflects the progress of several years of discussions with local interests and the Park Service. These efforts have been positive, but have been hampered from achieving consensus by some groups' unwillingness to compromise. Insofar as possible, this bill represents an attempt to stake out reasonable and responsible middle ground that respects the wishes of all concerned.

Mr. President, commercial fishermen have plied the waters of Glacier Bay and the outer coast of the area now included in the park for over 100 years. local native villagers, the Huna Tlingit people, have done so for thousands of years. At no time have these activities damaged the park or its resources, nor have they harmed the area's wild and scenic qualities in any way.

This simple fact cannot be overemphasized. To put it another way—commercial fishermen and local villagers have continually fished in Glacier Bay since long before it became a

park or a monument, and the fact that we value it so highly today is proof that they have not had an adverse impact on the species of the bay.

Unfortunately, some interests don't care about fairness, and would like to see fishing and gathering banned no matter how environmentally benign or how critical to local livelihoods.

On subsistence, this bill corrects inconsistencies in the Alaska National Interest Lands Conservation Act [ANILCA] concerning subsistence fishing and gathering in Glacier Bay National Park. Villagers living near Glacier Bay, whose ancestors have used the bay continually for the last 9,000 years, must be allowed to use the bay's resources to feed their families—to fish for halibut, salmon, and crabs, and to collect clams, seaweeds, berries, and other foods that are traditional in their culture.

Let me emphasize that we are talking about a relative handful of families from the local Native village of Hoonah, which has a population of less than 900, and a few people from other nearby communities such as Elfin Cove, Gustavus, and Pelican. We are not talking about thousands of people. These Alaskans do not have convenient supermarkets. They deserve respect—they deserve to have their historic use recognized and provided for by this Congress.

My bill also addresses commercial fishing in the park. For generations, commercial fishermen have caught salmon, halibut, and crabs in Glacier Bay and have fished the rich grounds of the outside coast.

There is no biological reason for restricting commercial fishing activity anywhere in the park. The fishery resources are healthy, diverse, closely monitored, and carefully regulated. It should also be noted that of the park's approximately 3 million acres of marine waters, only about 500,000 are productive enough to warrant significant interest.

These fisheries already are restricted as to method and number of participants, and are carefully managed to ensure continued abundance. There is

nothing in this bill, and there is no desire by the fishing industry, to change these controls or increase the level of this sustainable activity. Closely monitored by the State of Alaska, which has proven itself a reliable custodian of the fisheries resources, commercial fishing does not harm the environment in any way.

Mr. President, in the grand scheme of this Nation's economy, these fisheries are small potatoes. But to the fishermen who depend upon them, to their families, and to the small, remote communities in which they live, these fisheries are of utmost importance. They are harm-free, and those who participate in them deserve their government's help, not the destruction of their simple lifestyle.

This bill authorizes fishing throughout the park. However, because there are special sensitivities inside Glacier Bay itself, it also designates the waters inside the bay—as opposed to the outer coast—as a special scientific reserve, for which a joint Federal-State group of scientists will make recommendations on where fishing should or should not occur, and at what level.

A further special provision is also included in the one area where there is a significant potential for conflict between fishermen and certain non-motorized uses such as kayaking. This area is the Beardslee Islands, near the entrance to the bay. Under this bill, the only commercial fishing that would be allowed in the Beardslees would be crab fishing, and that only by the very small number of people—perhaps half a dozen—that can show both a significant history of participation and significant dependence on that fishery for their livelihoods. This privilege could be transferred to one successor when the original fisherman retires, but will cease after that. And at any point, the Park Service could eliminate all fishing in the Beardslees with a fair payment to the individual fishermen. The

reason for such a special rule in the Beardslees is simply that these fishermen have no other option than fishing in the Beardslees, due to the size of their vessels, their reliance on this one fishery, and other factors.

This bill will not contribute to any increase in fishing pressure; in fact, over time the opposite may occur. It will simply provide for the scientifically sound continuation of an environmentally benign activity.

In closing, Mr. President, let me add that the continuation of both subsistence and commercial fishing enjoys wide support from local residents, including environmental groups such as the Southeast Alaska Conservation Council.

I ask unanimous consent that the text of the bill be printed in the RECORD and look forward to my colleagues' support for this measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glacier Bay Management and Protection Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) the geographical area comprising Glacier Bay National Park has been recognized as having important national significance since the creation of Glacier Bay National Monument by Presidential proclamation on February 26, 1925, and the subsequent Presidential proclamation expanding the monument on April 18, 1939;

(2) in 1980, Congress enlarged and redesignated the monument as Glacier Bay National Park;

(3) the Park provides valuable opportunities for the scientific study of marine and terrestrial resources in various stages of a postglaciation period;

(4) the Park is a popular tourist destination for cruise ship and tour boat passengers, recreational boaters, fishermen, back-country kayakers, hikers, and other users;

(5) improvements to the Park's infrastructure and an increase in small passenger vessel capacity within the Park are needed to provide for increased enjoyment by visitors to the Park and more efficient management of Park activities;

(6) Huna Tlingit Indians residing near Glacier Bay have engaged in subsistence fishing and gathering in and around the bay for approximately 9,000 years, interrupted only by periodic glacial advances, and reestablished after each glacial retreat;

(7) commercial fishing has occurred in and around Glacier Bay for over 100 years, long before the area was recognized by the Federal Government;

(8) commercial fishing and subsistence fishing and gathering in Glacier Bay National Park occur at stable levels of activity that have no perceivable adverse effect on the health or sustainability of marine resources in the Park, including the marine resources of Glacier Bay;

(9) commercial fishing and subsistence fishing and gathering are of great importance to local residents who often lack other alternatives for sustaining their livelihood; and

(10) the continuation of commercial fishing and subsistence fishing and gathering in Gla-

cier Bay has widespread support among local residents and Glacier Bay users, including the environmental community and operators of back-country kayak tours.

SEC. 3. INFRASTRUCTURE IMPROVEMENT.

Section 1306 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3196) is amended by adding at the end the following:

"(C) GLACIER BAY PARK.—

"(1) GLACIER BAY LODGE.—

"(A) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement, partnership, or other contractual relationship with the operator of Glacier Bay Lodge in Bartlett Cove for the purpose of making improvements to the Lodge and related visitor facilities.

"(B) SCOPE OF WORK.—Improvements to the physical plant and infrastructure under subparagraph (A) may include—

"(i) expansion of the overnight lodging, meeting space, and food service capacity of the Lodge;

"(ii) improvement of visitor access, including boat landing facilities, paths, walkways, and vehicular access routes;

"(iii) construction of a visitor information center and an Alaska Native cultural center;

"(iv) construction of research and maintenance facilities necessary to support Glacier Bay National Park and Glacier Bay Lodge activities;

"(v) construction or alteration of staff housing; and

"(vi) correction of deficiencies that may impair compliance with Federal or State construction, safety, or access requirements.

"(2) ALTERATION OF PARK HEADQUARTERS.—Before entering into a cooperative agreement or contract for alteration or expansion of National Park Service facilities in or near Gustavus, Alaska, the Secretary shall provide to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes a cost-benefit analysis of the alteration or expansion, including an examination of other reasonable alternatives to achieve the desired level of service."

SEC. 4. SMALL PASSENGER VESSELS.

Section 1307 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197) is amended by adding at the end the following:

"(D) GLACIER BAY PASSENGER VESSELS.

"(1) IN GENERAL.—Not later than 9 months after the date of enactment of this subsection, the Secretary shall promulgate regulations to increase the number of Glacier Bay entry permits available to tour boats during June, July, and August to a level consistent with the demand for the entries.

"(2) TRANSIT SEPARATE FROM TOUR BOATS.—Increases in tour boat entry permits for Glacier Bay under paragraph (1) shall be considered separate from, and shall not affect or be affected by, the number of entry permits provided to small passenger vessels providing passage to and from Glacier Bay Lodge."

SEC. 5. SURVEY OF PARK USERS.

Section 1307 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197) (as amended by section 4) is amended by adding at the end the following:

"(E) SURVEY OF GLACIER BAY USERS.—

"(1) SURVEY DESIGN.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a plan for conducting a comprehensive survey of Glacier Bay National Park users during the following visitor season, including individuals arriving in the Park on commercially operated vessels, to determine—

"(A) the extent to which the users consider the activities of other groups of users of the

Park as having an adverse impact on the users' enjoyment of the Park; and

"(B) the extent to which the expectations of the users for the Park are being satisfied.

"(2) RESULTS.—Not later than December 31 of the calendar year in which the survey is conducted pursuant to the plan submitted under paragraph (1), the Secretary shall report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives the results of the survey and any recommendations the Secretary considers necessary to reconcile competing uses of the Park or satisfy visitor access needs of the Park."

SEC. 6. FISHING.

Section 1314 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3202) is amended by adding at the end the following:

"(D) FISHING IN GLACIER BAY NATIONAL PARK.—

"(1) DEFINITIONS.—In this subsection:

"(A) COUNCIL.—The term 'Council' means the Glacier Bay Fishery Science Advisory Council established by paragraph (6).

"(B) EXTERIOR WATERS OF THE PARK.—The term 'exterior waters of the Park' means the marine waters in the Park but outside Glacier Bay proper.

"(C) GLACIER BAY PROPER.—The term 'Glacier Bay proper' means the waters of Glacier Bay, including coves and inlets, north of a line drawn from Point Gustavus to Point Carolus.

"(D) PARK.—The term 'Park' means Glacier Bay National Park.

"(E) RESERVE.—The term 'Reserve' means the Glacier Bay Marine Fisheries Reserve designated by paragraph (4).

"(F) RESIDENT POPULATION.—The term 'resident population' means a discrete population of fish or shellfish that—

"(i) spawns in the Park;

"(ii) is comprised of individual fish or shellfish the majority of which spend the greater part of their life cycle in the Park; or

"(iii) is demonstrated to be reliant on unique features of the Park for the survival of the population.

"(2) SUBSISTENCE USE.—

"(A) IN GENERAL.—Subject to subparagraph (B), subsistence fishing and gathering by a local resident of the Park, including a resident of Hoonah, shall be allowed in the Park in accordance with title VIII.

"(B) PERMANENT STRUCTURES.—No permanent structure associated with subsistence fishing or gathering, including a set net site, fish camp, cabin, or other related structure, may be constructed in the Park.

"(3) COMMERCIAL FISHING GENERALLY.—

"(A) ALLOWED COMMERCIAL FISHING.—

"(i) IN GENERAL.—Subject to the other provisions of this subsection, the Secretary shall allow commercial fishing in the Park using the following methods and means in use for commercial fishing in the Park during calendar years 1980 through 1996:

"(I) Trolling or seining for salmon, except that seining may not be used in Glacier Bay proper.

"(II) Longlining.

"(III) Use pots or ring nets.

"(ii) FEDERAL AND STATE LAWS.—Fishing allowed under clause (i) shall be subject to any applicable Federal or State law.

"(iii) ADVERSE IMPACT.—

"(I) IN GENERAL.—If the Secretary determines that scientifically valid information demonstrates a significant adverse impact is occurring to a resident population as a result of commercial fishing in the Park, the Secretary shall consult with the relevant State fishery management authority and may request that the authority initiate remedial action.

“(II) EMERGENCY ACTION.—If the Secretary determines that commercial fishing is causing an emergency that poses an immediate threat to a Park resource, including a resident population of fish or shellfish, and that the relevant State fishery management authority is not taking appropriate action, the Secretary may promulgate such regulations as are necessary to protect the threatened resource for the duration of the emergency.

“(B) MEMORANDUM OF UNDERSTANDING.—Not later than 90 days after the date of enactment of this subsection, the Secretary and the relevant State fishery management authority shall jointly prepare and publish a memorandum of understanding that—

“(i) describes the respective authority of the Secretary and the State fishery management authority with regard to the management of commercial fishing in the Park; and

“(ii) establishes a process for consultations and regulatory action under subparagraph (A).

“(4) GLACIER BAY MARINE FISHERIES RESERVE.—

“(A) DESIGNATION.—The waters of Glacier Bay proper are designated as the Glacier Bay Marine Fisheries Reserve.

“(B) PURPOSES.—The purposes of the Reserve are—

“(i) to maintain a high degree of protection for the living marine resources of the Glacier Bay marine ecosystem;

“(ii) to provide for the continued health, diversity, and abundance of the resources in the Glacier Bay marine ecosystem;

“(iii) to provide a continuing opportunity for the conduct of fisheries science in a postglacial ecological environment; and

“(iv) to provide for sustainable public use and enjoyment of the marine resources of Glacier Bay.

“(C) FISHING.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Reserve shall remain open to fishing in accordance with paragraphs (2) and (3).

“(ii) CLOSURES AND RESTRICTIONS.—A closure or a restriction on time, area, or method or means of access to the Reserve may be implemented by the appropriate State fishery management authority if the closure or restriction—

“(I) is recommended by the Council; and

“(II) is required to achieve the purposes of the Reserve.

“(iii) COMMENT.—Before implementing a closure under clause (ii), the appropriate State fishery management authority shall solicit comments from affected commercial or subsistence users of the Reserve.

“(5) BEARDSLEE ISLANDS.—

“(A) RESTRICTION ON FISHING.—Notwithstanding paragraph (4)(C), the waters of the Beardslee Islands managed as wilderness shall be closed to commercial fishing, except that the appropriate State fishery management authority shall allow commercial fishing for Dungeness crab by an individual who, during calendar years 1984 through 1995—

“(i) participated in commercial fishing for Dungeness crab in the Beardslee Islands for a minimum of 10 fishing seasons; and

“(ii) was reliant on the fishing referred to in clause (i) for a significant part of the individual's fishery-related income.

“(B) INFORMATION.—In making a determination of eligibility under subparagraph (A), the appropriate fishery management authority shall consider all available public records as well as any other information made available by the prospective applicant.

“(C) INELIGIBILITY.—

“(i) IN GENERAL.—If an individual engaged in commercial fishing in the waters of the Beardslee Islands under this paragraph voluntarily ceases to participate actively in the fishing for a period of at least 1 year for any

reason other than illness, injury, or national service, the individual shall not be eligible to engage in commercial fishing in the waters of the Beardslee Islands under this paragraph.

“(ii) DESIGNATED SUCCESSOR.—

“(I) IN GENERAL.—An individual who is ineligible to engage in commercial fishing under clause (i) may, at any time before or during the year in which the individual ceases to participate actively in fishing, designate a successor that may engage in commercial fishing for Dungeness crab in the waters of the Beardslee Islands under this paragraph as long so the successor—

“(aa) engages in commercial fishing for Dungeness crab in the waters of the Beardslee Islands; and

“(bb) is reliant on the fishing for a significant part of the individual's fishery-related income.

“(II) INELIGIBILITY OF SUCCESSOR.—If a successor designated under subclause (I) voluntarily ceases to participate actively in fishing in the waters of the Beardslee Islands under this paragraph for a period of at least 1 year for any reason other than illness, injury, or national service, the individual shall no longer be eligible to engage in commercial fishing in the waters of the Beardslee Islands under this paragraph.

“(D) TEMPORARY SUCCESSOR.—

“(i) IN GENERAL.—If an individual eligible to engage in commercial fishing in the waters of the Beardslee Islands under this paragraph is forced by reason of illness, injury, or national service to forego the fishing, the individual may designate a temporary successor for a period of 1 year.

“(ii) RENEWAL.—The designation of a temporary successor under clause (i) may be renewed yearly so long as the condition of illness, injury, or national service continues to prevent the eligible individual from participating in the commercial fishing.

“(E) OTHER LAW.—An individual eligible to fish under this paragraph shall be subject to any other Federal or State law.

“(F) FISHING CESSATION AGREEMENT.—

“(i) IN GENERAL.—The Secretary and an individual engaged in commercial fishing under this paragraph may agree on the cessation of commercial fishing by the individual.

“(ii) DESIGNATION OF SUCCESSOR.—An individual who agrees to cease commercial fishing under clause (i) may not designate a successor under subparagraph (C)(ii).

“(G) FORCED RETIREMENT OF SUCCESSOR.—The Secretary may require an individual designated as a successor under subparagraph (C)(ii) to cease commercial fishing under this paragraph if the facility—

“(i) determines that cessation of commercial fishing by the individual would be significantly beneficial to the Reserve; and

“(ii) compensates the individual for the individual's expected lifetime earnings from the commercial fishing, as determined by—

“(I) the individual's average annual earnings over a 5-year period from the commercial fishing; or

“(II) if a minimum of 5 years of data on the individual's earnings from the commercial fishing are unavailable, the average annual earnings of the individual's predecessor for the commercial fishing.

“(6) FISHERY SCIENCE ADVISORY COUNCIL.—

“(A) ESTABLISHMENT.—There is established the Glacier Bay Fishery Science Advisory Council.

“(B) MEMBERSHIP.—

“(i) IN GENERAL.—The Council shall consist of 5 members, of whom—

“(I) 2 members shall be professional fishery biologists appointed by the Secretary;

“(II) 2 members shall be professional fishery biologists appointed by the Governor of Alaska; and

“(III) 1 member shall be a professional fishery biologist who is not employed by the Federal Government or the State of Alaska, who shall—

“(aa) be appointed jointly by the Secretary and the Governor of Alaska; and

“(bb) serve as chairperson of the Council.

“(ii) APPOINTMENTS.—Appointments to the Council shall be made not later than 60 days after the date of enactment of this subsection.

“(iii) REPLACEMENT.—A Council member shall serve on the Council until replaced by the authority that appointed the individual.

“(C) RESPONSIBILITIES.—The Council shall—

“(i) not later than 180 days after the date of enactment of this subsection, provide a report reviewing the status of knowledge about fishery resources in the Park to the Secretary, the State of Alaska, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives; and

“(ii) not later than 1 year after the date of enactment of this subsection, in consultation with appropriate Federal and State agencies, prepare a fisheries management plan for the Reserve, including areas managed as wilderness, in accordance with subparagraph (D).

“(D) FISHERIES MANAGEMENT PLAN.—The fisheries management plan referred to in subparagraph (C)(ii) shall—

“(i) describe a framework for pursuing opportunities for fisheries science in combination with the continued harvest of fish and shellfish from the Reserve, consistent with sound management practices and in accordance with recognized principles for the management of sustainable resources; and

“(ii) make such recommendations as the Council considers appropriate regarding fishery research needs and regulations regarding fishing times, areas, methods, and means.

“(E) CONTINUING RECOMMENDATION.—After completing the fisheries management plan under subparagraph (D), the Council shall continue to meet at least annually, and at such other times as the Council considers necessary, to provide to the Secretary and the entities referred to in subparagraph (C)(i) such additional recommendations on fishery research and management priorities and needs in the Reserve as the Council considers appropriate.

“(F) CONSENSUS DECISIONS.—For a recommendation, designation, or determination of the Council to be effective it shall be made by consensus.

“(G) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

“(7) EFFECT ON TIDAL AND SUBMERGED LAND.—

“(A) CLAIM TO TIDAL OR SUBMERGED LAND.—

“(i) IN GENERAL.—Nothing in this subsection invalidates, validates, or in any other way affects any claim of the State of Alaska to title to any tidal or submerged land.

“(ii) FUTURE ACTION.—No action taken pursuant to or in accordance with this subsection shall bar the State of Alaska from asserting at any time its claim of title to any tidal or submerged land.

“(B) JURISDICTION.—Nothing in this subsection, and no action taken pursuant to this subsection, shall expand or diminish Federal or State jurisdiction, responsibility, interests, or rights in the management, regulation, or control of waters or tidal or submerged land of the State of Alaska.”.

Mr. President, I rise today to offer a bill to provide tax relief to America's

farmer-owned cooperatives. My bill would allow members of America's farmer-owned cooperatives to pass-through the small producer tax credit for ethanol to cooperative members, who are currently not able to take this credit.

Farmer-owned cooperatives are at the heart of America's rural communities. Cooperatives and cooperative members—family farmers whose survival and prosperity are essential for our whole country—work hard, invest, and contribute to their communities daily. We owe them their fair share of that daily effort, along with a level playing field to compete on with other businesses.

I am therefore introducing legislation that will allow the small ethanol producer credit to pass through to cooperative owners and members. Farmer-owned cooperatives have invested over \$1 billion in ethanol production and marketing, and more than 857,000 farmers have a stake in the continued development and growth of this important domestic value-added industry. Yet, the members of these cooperatives are unable to benefit from this tax credit because cooperatives are not allowed to passthrough the credit.

By Mr. WELLSTONE (for himself, Mr. GRASSLEY, Mr. KERREY, Mr. JOHNSON, Mr. DASCHLE, and Mr. CONRAD):

S. 1066. A bill to amend the Internal Revenue Code of 1986 to allow the alcohol fuels credit to be allocated to patrons of a cooperative in certain cases; to the Committee on Finance.

TAX RELIEF LEGISLATION

Mr. WELLSTONE. This situation is extremely unfair—owners of other ethanol production facilities are able to take advantage of this incentive, yet we are denying family farmers their fair share of the benefit. While I strongly support the preservation and extension of the ethanol tax incentives—vital for this maturing industry—passthrough of the small producer credit is a separate issue of fundamental fairness for family farmers.

I believe all Members can agree that family farmers, who have made a substantial investment in ethanol production, should be able to take advantage of the same tax benefits that other small business owners who produce ethanol now enjoy. Passthrough of this tax credit is not a corporate subsidy and does not benefit large corporations, but is an incentive for America's family farmers to help produce a fuel that decreases our foreign oil dependence, spurs rural development, and improves our Nation's air quality.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill as ordered to be printed in the RECORD, as follows:

S. 1066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.

(a) IN GENERAL.—Subsection (d) of section 40 of the Internal Revenue Code of 1986 (relating to alcohol used as fuel) is amended by adding at the end the following new paragraph:

“(6) ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—

“(A) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization made on a timely filed return (including extensions) for such year, be apportioned pro rata among patrons on the basis of the quantity or value of business done with or for such patrons for the taxable year. Such an election, once made, shall be irrevocable for such taxable year.

“(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons pursuant to subparagraph (A)—

“(i) shall not be included in the amount determined under subsection (a) for the taxable year of the organization, and

“(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron in which the patronage dividend for the taxable year referred to in subparagraph (A) is includible in gross income.

“(C) SPECIAL RULE FOR DECREASING CREDIT FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the cooperative organization's return for such year, an amount equal to the excess of such reduction over the amount not apportioned to the patrons under subparagraph (A) for the taxable year shall be treated as an increase in tax imposed by this chapter on the organization. Any such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G of this part.”

(b) TECHNICAL AMENDMENT.—Section 1388 of the Internal Revenue Code of 1986 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following new subsection:

“(k) CROSS REFERENCE.—

“For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(d)(6).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

By Mr. KERRY (for himself, Mr. DORGAN, Mr. FEINGOLD, Mr. LEAHY, Ms. MOSELEY-BRAUN, Mr. WELLSTONE, Ms. LANDRIEU, Mr. KENNEDY, and Mr. HARKIN):

S. 1067. A bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms; to the Committee on Foreign Relations.

THE CODE OF CONDUCT ON ARMS TRANSFERS ACT OF 1997

Mr. KERRY. Mr. President, today I am introducing the Code of Conduct on Arms Transfers Act of 1997, a bill to

place restrictions on military assistance and arms transfers to governments that are not democratic, do not respect human rights, are engaged in armed aggression, or are not participating in the U.N. Register of Conventional Arms.

Before I discuss the specifics of the legislation, I want to take a moment to pay tribute to our former colleague and long-time champion of this effort, Senator Mark Hatfield. During his four terms in the Senate, Senator Hatfield developed a reputation as a man committed to the search for peace and a staunch advocate of nonmilitary solutions for international problems. It was natural for Senator Hatfield to take the lead in an effort to make U.S. arms sales policy more reflective of American values. He did not succeed in winning passage of a Code of Conduct, but he placed the issue in front of the Senate and the public, and moved the debate forward. I am sure he is gratified to see that the House of Representatives adopted a version of the Code as an amendment to the bill to authorize State Department activities for fiscal year 1998. I am honored to follow in his footsteps and introduce derivative legislation, the 1997 Code of Conduct Act.

The Code of Conduct on Arms Transfers Act embodies a fundamental shift in the way that the United States will deal with the transfer of conventional weapons to the rest of the world. Like many other aspects of our national security structure, arms sales and other military assistance must be adjusted to the realities of the post-cold-war era. The central theme of our foreign policy has changed from containment of communism to expansion of democracy. We no longer need to send massive amounts of weaponry to our surrogates around the world in an arms race against communism. Instead we must evaluate the effect that arms transfers have on regional stability, the promotion of democracy and the protection of human rights.

Unfortunately, our arms transfer policies have not adjusted to this reality. The United States continues to be the primary supplier of arms to the world. We ranked first in arms transfer agreements with developing nations from 1988 to 1995. In 1995 the United States ranked first in deliveries to the developing world for the fourth year in row. The United States share of all arms transfers to developing nations rose from 11.1 percent in 1988 to 44.1 percent in 1995. In constant dollars the United States has increased deliveries to developing nations from \$5.5 billion in 1988 to \$9.5 billion in 1995. It is disturbing to me that an analysis done by the Project on Demilitarization and Democracy revealed that, of the arms transfers to developing nations over a 4-year period, 85 percent went to non-Democratic governments. It is clear that other factors, including short-term economic benefits from sales, dominate the U.S. Government's decision making process concerning arms

sales and the nature of the recipient regimes appears to be of little consequence.

The Code of Conduct seeks to elevate the consideration of democracy, human rights and nonaggression from their current status as policy afterthoughts to primary criteria for decisions on arms transfers. A quote from a February 17, 1995 press release from the White House illustrates—by what it omits—the unfortunate tendency to ignore these factors. The release states, in part: “The U.S. continues to view transfers of conventional arms as a legitimate instrument of U.S. foreign policy—deserving U.S. government support—when they enable us to help friends and allies deter aggression, promote regional security, and increase interoperability of U.S. forces and allied forces. * * * The U.S. will exercise unilateral restraint in cases where overriding national security or foreign policy interests require us to do so.”

The criteria denoted in that statement are, indeed, critical components of a sound U.S. policy on arms transfers and should continue to be considered as such. But the statement omits what should be the very important consideration of the effects arms transfers are likely to have on democratization, nonaggression, and human rights. The U.S. is the largest exporter of weapons to developing nations and we must learn to exercise unilateral restraint not just for national security and foreign policy interests, but also for the furtherance of democracy and human rights.

By exercising restraint, we cannot only further our foreign policy goal of fostering democracy, but also enhance our security as well. The June 1996 Report of the Presidential Advisory Board on Arms Proliferation Policy concluded that U.S. and international security are threatened by the proliferation of advanced conventional weapons. According to the Report, “The world struggles today with the implications of advanced conventional weapons. It will in the future be confronted with yet another generation of weapons, whose destructive power, size, cost, and availability can raise many more problems even than their predecessors today. These challenges will require a new culture among nations, one that accepts increased responsibility for control and restraint, despite short-term economic and political factors pulling in other directions.” The Code of Conduct is a step toward that new culture.

The bill I am introducing today differs from past versions of the Code of Conduct in two significant ways. Most importantly, the language no longer requires that Congress pass legislation to accept a Presidential waiver for countries that do not meet the criteria. Under previous versions of the legislation, the President was required to submit to Congress an annual list of countries determined to meet the criteria for human rights, democracy, and non-

aggression. For countries that failed to meet this threshold, the President could have requested a national security waiver, but the Congress would have had to enact the waiver through legislation. In my judgment, this approach made granting a waiver pass a very stiff test. Consequently, this provision was a major impediment to passage of the Code. Under the terms of the bill being introduced today, the President will still submit the annual list of countries that meet the criteria, but a Presidential request for a national security waiver does not require further action by the Congress. Congress could, of course, disapprove the waiver through the normal legislative process, but that likely would require overriding a Presidential veto. The design of the waiver process in the bill I am introducing is the same as that passed by the House.

The second difference from past versions of the Code is the inclusion of a section to promote an international arms transfer regime. We are far and away the world's biggest arms merchant and we must lead the way for the rest of the world in addressing this issue. But the United States cannot do this alone. We should not deceive ourselves regarding the ability or willingness of other arms-producing nations to rush in and fill any gap we create. Russia, France, China, and other nations all have the potential to provide weapons the United States and its manufacturers will not provide. My legislation will require the President to expand international efforts to curb worldwide arms sales and to work toward establishing a multilateral regime to govern the transfer of conventional arms. It requires the President to notify allied governments when the United States determines a nation is ineligible under the Code for arms transfers, and request that our allies join the United States in refusing to transfer arms to that nation. The bill also requires the President to report annually to the Congress on steps he is taking to gain international acceptance of the principles incorporated in this legislation and on the progress he is making toward establishing a permanent multilateral structure for controlling arms transfers.

If some of my colleagues view this effort as naive in a rough and tumble world, I call their attention to a commentary editorial in the June 16, 1997, issue of *Defense News* which endorses the Arms Trade Code of Conduct as passed by the House of Representatives. The editors concluded that the Code “would create a useful tool to shine light on some nations' darkest human rights and other unsavory secrets.” The effort to establish an international Code of Conduct has won the support of former Costa Rican President Oscar Arias and a dozen of his fellow Nobel Peace laureates. Similar legislation has been introduced in the European Union and several of its member nations, and the new government

in the United Kingdom has expressed support for the concept.

The United States should lead the way and stop selling arms to nations that ignore the rights and needs of their citizens that use those arms to bully their neighbors or their own populations. We should lead the way to establishment of a multilateral regime that will effectively prevent such nations from obtaining arms with which to enforce and administer nefarious activities. This legislation, and the similar legislation already passed by the House of Representatives, can be the vehicle to accomplish this objective.

I want to thank Senator DORGAN, who previously has offered a Code of Conduct provision as an amendment to other legislation, for joining as a cosponsor today, along with Senators FEINGOLD, LEAHY, MOSELEY-BRAUN, WELLSTONE, LANDRIEU, KENNEDY, and HARKIN.

With their support, and the support of other Senators whose support I am confident will be forthcoming, I am hopeful that we will see the Congress enact and the President sign into law this year legislation that will ensure that the values of democratization, human rights, and nonaggression—which are so important to our Nation and so often lauded and referenced by elected officials from both parties—will be legally established as criteria for arms sales and transfers to other nations by the United States.

I ask unanimous consent the text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the *RECORD*, as follows:

S. 1067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Code of Conduct on Arms Transfers Act of 1997”.

SEC. 2. PURPOSE.

The purpose of this Act is to provide clear policy guidelines and congressional responsibility for determining the eligibility of foreign governments to be considered for United States military assistance and arms transfers.

SEC. 3. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS TO CERTAIN FOREIGN GOVERNMENTS.

(a) PROHIBITION.—Except as provided in subsections (b) and (c), beginning on and after October 1, 1998, United States military assistance and arms transfers may not be provided to a foreign government for a fiscal year unless the President certifies to Congress for that fiscal year that such government meets the following requirements:

(1) PROMOTES DEMOCRACY.—Such government—

(A) was chosen by and permits free and fair elections;

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law, equality before the law, and respect for individual and

minority rights, including freedom to speak, publish, associate, and organize; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

(2) **RESPECTS HUMAN RIGHTS.**—Such government—

(A) does not engage in gross violations of internationally recognized human rights, including—

- (i) extrajudicial or arbitrary executions;
- (ii) disappearances;
- (iii) torture or severe mistreatment;
- (iv) prolonged arbitrary imprisonment;
- (v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and
- (vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal conflicts;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to political prisoners by international humanitarian organizations such as the International Committee of the Red Cross;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

(E) does not impede the free functioning of domestic and international human rights organizations; and

(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

(3) **NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.**—Such government is not currently engaged in acts of armed aggression in violation of international law.

(4) **FULL PARTICIPATION IN UNITED NATIONS REGISTER OF CONVENTIONAL ARMS.**—Such government is fully participating in the United Nations Register of Conventional Arms.

(b) **REQUIREMENT FOR CONTINUING COMPLIANCE.**—Any certification with respect to a foreign government for a fiscal year under subsection (a) shall cease to be effective for that fiscal year if the President certifies to Congress that such government has not continued to comply with the requirements contained in paragraphs (1) through (4) of such subsection.

(c) **EXEMPTIONS.**—

(1) **IN GENERAL.**—The prohibition contained in subsection (a) shall not apply with respect to a foreign government for a fiscal year if—

(A) subject to paragraph (2), the President submits a request for an exemption to Congress containing a determination that it is in the national security interest of the United States to provide military assistance and arms transfers to such government; or

(B) the President determines that an emergency exists under which it is vital to the interest of the United States to provide military assistance and arms transfers to such government.

(2) **DISAPPROVAL.**—A request for an exemption to provide military assistance and arms transfers to a foreign government shall not take effect, or shall cease to be effective, if a law is enacted disapproving such request.

(d) **NOTIFICATIONS TO CONGRESS.**—

(1) **IN GENERAL.**—The President shall submit to Congress initial certifications under subsection (a) and requests for exemptions under subsection (c)(1)(A) in conjunction with the submission of the annual congressional presentation documents for foreign assistance programs for a fiscal year and shall, where appropriate, submit additional or amended certifications and requests for exemptions at any time thereafter in the fiscal year.

(2) **DETERMINATION WITH RESPECT TO EMERGENCY SITUATIONS.**—Whenever the President determines that it would not be contrary to the national interest to do so, he shall submit to Congress at the earliest possible date reports containing determinations with respect to emergencies under subsection (c)(1)(B). Each such report shall contain a description of—

- (A) the nature of the emergency;
- (B) the type of military assistance and arms transfers provided to the foreign government; and
- (C) the cost to the United States of such assistance and arms transfers.

SEC. 4. PROMOTING AN INTERNATIONAL ARMS TRANSFERS REGIME.

(a) **INTERNATIONAL COOPERATION.**—Prior to the beginning of each fiscal year, the President shall compile a list of countries that do not meet the requirements in section 3(a) and for which the President has not requested an exemption under section 3(c). The President shall—

(1) notify the governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual Use Goods and Technologies, done at Vienna, July 11 and 12, 1996 (in this section referred to as the “Wassenaar Arrangement”), and such other foreign governments as the President deems appropriate, that the countries so listed are ineligible to receive United States arms sales and military assistance under this Act; and

(2) request that the countries so notified also declare the listed countries as ineligible for arms sales and military assistance.

(b) **MULTILATERAL EFFORTS.**—The President shall continue and expand efforts through the United Nations and other international fora, such as the Wassenaar Arrangement, to limit arms transfers worldwide, particularly transfers to countries that do not meet the criteria established in section 3, for the purpose of establishing a permanent multilateral regime to govern the transfer of conventional arms.

(c) **REPORT.**—

(1) **IN GENERAL.**—Beginning one year after the date of enactment of this Act, and annually thereafter, the President shall submit a report to Congress—

(A) describing efforts he has undertaken during the preceding year to gain international acceptance of the principles contained in section 3; and

(B) evaluating the progress made toward establishing a multilateral regime to control the transfer of conventional arms.

(2) **SUBMISSION OF THE REPORT.**—This report shall be submitted in conjunction with the submission of the annual congressional presentation documents for foreign assistance programs for a fiscal year.

SEC. 5. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.

For purposes of this Act, the terms “United States military assistance and arms transfers” and “military assistance and arms transfers” mean—

(1) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including the transfer of excess defense articles under section 516 of that Act;

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training); or

(3) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (excluding any transfer or other assistance under section 23 of such Act), including defense articles and defense services licensed or approved for export under section 38 of that Act.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 224

At the request of Mr. WARNER, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits Program, and for other purposes.

S. 251

At the request of Mr. SHELBY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 251, a bill to amend the Internal Revenue Code of 1986 to allow farmers to income average over 2 years.

S. 349

At the request of Mrs. BOXER, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 349, a bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

S. 442

At the request of Mr. WYDEN, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 442, a bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the names of the Senator from New Jersey [Mr. TORRICELLI] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 859

At the request of Mr. KYL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 859, a bill to repeal the increase in tax on Social Security benefits.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from