

Muslims. It should flourish again, but it needs our help.

Mr. President, the people of Iraq, through representative organizations such as the INC, the Patriotic Union of Kurdistan, the Kurdish Democratic Party and the Shi'ite SCIRI, have begged for our help. The day may yet come when we are dragged back to Baghdad; I believe that day can be put off, perhaps even averted, by helping the people of Iraq help themselves.

Opponents of this initiative—I shouldn't call them friends of Saddam—have said that the Iraqi opposition exists in name only, that they are too parochial to come together. They are not entirely wrong—which is why Senator LOTT and Chairman GILMAN (the lead House sponsor) have carefully crafted the designation requirement in H.R. 4655 to insist that only broad-based, pro-democracy groups be selected by the President to receive drawdown assistance. I would go further, and suggest to the President that he designate just one group, the Iraqi National Congress, in which the Kurds, the Shi'ites and the Sunnis of Iraq hold membership. The opposition must be unified, but it may just take the leadership of the United States to bring them together.

Finally, this bill gives the Congress oversight over the designation and drawdown authorities. As Chairman of the Foreign Relations Committee, I intend to exercise vigorously that authority. The White House and the State Department have indicated that they support this bill. We have a unique opportunity, and I intend to do everything in my power to ensure that opportunity is not frittered away. The price of failure is far too high.

Mr. KERREY. Mr. President, I rise to urge the passage of H.R. 4655, the Iraq Liberation Act. Thanks to strong leadership in both Houses of Congress and thanks to the commitment of the Administration toward the goals we all share for Iraq and the region, this legislation is moving quickly. This is the point to state what this legislation is not, and what it is, from my understanding, and why I support it so strongly.

First, this bill is not, in my view, and instrument to direct U.S. funds and supplies to any particular Iraqi revolutionary movement. There are Iraqi movements now in existence which could qualify for designation in accordance with this bill. Other Iraqis not now associated with each other could also band together and qualify for designation. It is for Iraqis, not Americans to organize themselves to put Saddam Hussein out of power, just as it will be for Iraqis to choose their leaders in a democratic Iraq. This bill will help the Administration encourage and support Iraqis to make their revolution.

Second, this bill is not a device to involve the U.S. military in operations in or near Iraq. The Iraqi revolution is for Iraqis, not Americans, to make. The bill provides the Administration a po-

tent new tool to help Iraqis toward this goal, and at the same time advance America's interest in a peaceful and secure Middle East.

This bill, when passed and signed into law, is a clear commitment to a U.S. policy replacing the Saddam Hussein regime and replacing it with a transition to democracy. This bill is a statement that America refuses to co-exist with a regime which has used chemical weapons on its own citizens and on neighboring countries, which has invaded its neighbors twice without provocation, which has still not accounted for its atrocities committed in Kuwait, which has fired ballistic missiles into the cities of three of its neighbors, which is attempting to develop nuclear and biological weapons, and which has brutalized and terrorized its own citizens for thirty years. I don't see how any democratic country could accept the existence of such a regime, but this bill says America will not. I will be an even prouder American when the refusal, and commitment to materially help the Iraqi resistance, are U.S. policy.

Mr. MCCAIN. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4655) was considered read the third time, and passed.

#### BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE ACT OF 1998

Mr. MCCAIN. I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 582, S. 1637.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1637) to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes.

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

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

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Bounty Hunter Accountability and Quality Assistance Act of 1998".*

#### SEC. 2. FINDINGS.

*Congress finds that—*

(1) bounty hunters, also known as bail enforcement officers or recovery agents, provide law enforcement officers and the courts with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had

difficulty in discerning the difference between law enforcement officers and bounty hunters;

(3) the availability of bail as an alternative to the pretrial detention or unsecured release of criminal defendants is important to the effective functioning of the criminal justice system;

(4) the safe and timely return to custody of fugitives who violate bail contracts is an important matter of public safety, as is the return of any other fugitive from justice;

(5) bail bond agents are widely regulated by the States, whereas bounty hunters are largely unregulated;

(6) the public safety requires the employment of qualified, well-trained bounty hunters; and

(7) in the course of their duties, bounty hunters often move in and affect interstate commerce.

#### SEC. 3. DEFINITIONS.

*In this Act—*

(1) the term "bail bond agent" means any retail seller of a bond to secure the release of a criminal defendant pending judicial proceedings, unless such person also is self-employed to obtain the recovery of any fugitive from justice who has been released on bail;

(2) the term "bounty hunter"—

(A) means any person whose services are engaged, either as an independent contractor or as an employee of a bounty hunter employer, to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer acting under color of law;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions;

(iv) person while engaged in the performance of official duties as a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code); or

(v) bail bond agent;

(3) the term "bounty hunter employer"—

(A) means any person that—

(i) employs 1 or more bounty hunters; or

(ii) provides, as an independent contractor, for consideration, the services of 1 or more bounty hunters (which may include the services of that person); and

(B) does not include any bail bond agent; and

(4) the term "law enforcement officer" means a public officer or employee authorized under applicable Federal or State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public officer or employee engaged in corrections, parole, or probation functions, or the recovery of any fugitive from justice.

#### SEC. 4. MODEL GUIDELINES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall develop model guidelines for the State control and regulation of persons employed or applying for employment as bounty hunters. In developing such guidelines, the Attorney General shall consult with organizations representing—

(1) State and local law enforcement officers;

(2) State and local prosecutors;

(3) the criminal defense bar;

(4) bail bond agents;

(5) bounty hunters; and

(6) corporate sureties.

(b) RECOMMENDATIONS.—The guidelines developed under subsection (a) shall include recommendations of the Attorney General regarding whether—

(1) a person seeking employment as a bounty hunter should—

(A) be required to submit to a fingerprint-based criminal background check prior to entering into the performance of duties pursuant to employment as a bounty hunter; or

(B) not be allowed to obtain such employment if that person has been convicted of a felony offense under Federal or State law;

(2) bounty hunters and bounty hunter employers should be required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bounty hunter; and

(3) State laws should provide—

(A) for the prohibition on bounty hunters entering any private dwelling, unless the bounty hunter first knocks on the front door and announces the presence of 1 or more bounty hunters; and

(B) the official recognition of bounty hunters from other States.

(c) **EFFECT ON BAIL.**—The guidelines published under subsection (a) shall include an analysis of the estimated effect, if any, of the adoption of the guidelines by the States on—

(1) the cost and availability of bail; and

(2) the bail bond agent industry.

(d) **BYRNE GRANT PREFERENCE FOR CERTAIN STATES.**—

(1) **IN GENERAL.**—Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

“(e) **PREFERENCE FOR CERTAIN STATES.**—Notwithstanding any other provision of this part, in making grants to States under this subpart, the Director shall give priority to States that have adopted the model guidelines developed under section 4(a) of the Bounty Hunter Accountability and Quality Assistance Act of 1998.”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect 2 years after the date of enactment of this Act.

(e) **NO REGULATORY AUTHORITY.**—Nothing in this section may be construed to authorize the promulgation of any Federal regulation relating to bounty hunters, bounty hunter employers, or bail bond agents.

(f) **PUBLICATION OF GUIDELINES.**—The Attorney General shall publish model guidelines developed pursuant to subsection (a) in the Federal Register.

Mr. MCCAIN. I ask unanimous consent that the substitute amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Committee substitute amendment was agreed to.

The bill (S. 1637), as amended, was considered read the third time, and passed.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 3694

Mr. MCCAIN. I ask unanimous consent that when the Senate proceeds to the consideration of the conference report to accompany H.R. 3694, the Intelligence authorization bill, that there be 30 minutes for debate divided as follows: 15 minutes for Senator MOYNIHAN, 15 minutes equally divided between the managers. I further ask unanimous consent that following that debate time, the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the conference report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCAIN. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 816 and No. 817.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I further ask unanimous consent the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Joy Harjo, of New Mexico, to be a Member of the National Council on the Arts for a term expiring September 3, 2002.

Joan Specter, of Pennsylvania, to be a Member of the National Council on the Arts for a term expiring September 3, 2002.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### THE CALENDAR

Mr. MCCAIN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of the following bills, en bloc: Calendar No. 578, H.R. 2795; Calendar No. 600, H.R. 1659; Calendar No. 601, H.R. 2000; Calendar No. 612, S. 736; Calendar No. 614, S. 777; Calendar No. 616, S. 1175; Calendar No. 617, S. 1641; Calendar No. 619, S. 2041; Calendar No. 620, S. 2086; Calendar No. 624, S. 2140; Calendar No. 625, S. 2142; Calendar No. 626, S. 2239; Calendar No. 627, S. 2240; Calendar No. 628, S. 2241; Calendar No. 629, S. 2246; Calendar No. 630, S. 2247; Calendar No. 631, S. 2248; Calendar No. 632, S. 2257; Calendar No. 633, S. 2284; Calendar No. 634, S. 2285; Calendar No. 636, S. 2309; Calendar No. 638, S. 2468; Calendar No. 641, H.R. 2411; Calendar No. 643, H.R. 4079; Calendar No. 644, H.R. 4166.

I ask unanimous consent that any committee amendments be agreed to; that the bills be read a third time and passed, as amended, if amended; that the motions to reconsider be laid upon the table; that any amendments to titles be agreed to, as may be necessary; and that any statements relating to the bills appear at the appropriate place in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998

The bill (H.R. 2795) to extend contracts between the Bureau of Reclama-

tion and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir, was considered, ordered to a third reading, read the third time, and passed.

#### MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT COMPLETION ACT

The bill (H.R. 1659) to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### ANCSA LAND BANK PROTECTION ACT OF 1998

The bill (H.R. 2000) to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

The Senate proceeded to consider the bill (S. 736) to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 736

*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 “Carlsbad Irrigation Project Acquired Land Transfer Act”.*

#### SEC. 2. CONVEYANCE.

(a) **LANDS AND FACILITIES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), and subject to subsection (c), the Secretary of the Interior (in this Act referred to as the “Secretary”) may convey to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the State of New Mexico and in this Act referred to as the “District”), all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the “acquired lands”) and all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume.

(2) **LIMITATION.**—

(A) **RETAINED SURFACE RIGHTS.**—The Secretary shall retain title to the surface estate (but not the mineral estate) of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir division structure.

(B) **STORAGE AND FLOW EASEMENT.**—The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) **ACQUIRED LANDS DESCRIBED.**—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy