

for Members of the Senate and the House of Representatives, and also asks the court to ensure that Congress fashion a remedy for this alleged deprivation of voting rights. The lead defendants are the Secretary of Commerce and the United States, who are being represented by the Department of Justice.

The complaint also names as defendants the Secretary of the Senate, Gary Sisco, and the Sergeant at Arms and Doorkeeper of the Senate, Greg Casey, as well as the Clerk and the Sergeant at Arms of the House of Representatives, because of their roles in paying and certifying the election of Members and in controlling access to the two Chambers.

This resolution authorizes the Senate Legal Counsel to represent the Secretary of the Senate and the Senate Sergeant at Arms in this matter to seek dismissal of the case against them. The Legal Counsel will argue that the Senate officers are not proper defendants in this matter.

Mr. McCAIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 291) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 291

Whereas, the Secretary of the Senate, Gary Sisco, and the Sergeant at Arms and Doorkeeper of the Senate, Gregory S. Casey, have been named as defendants in the case of *Clifford Alexander, et al. v. William M. Daley, et al.*, Case No. 1:98CV02187, now pending in the United States District Court for the District of Columbia;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent officers of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate in the case of *Alexander, et al. v. Daley, et al.*

#### ESTABLISHING A PROGRAM TO SUPPORT A TRANSITION TO DEMOCRACY IN IRAQ

Mr. McCAIN. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4655, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4655) to establish a program to support a transition to democracy in Iraq.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I am pleased the Senate is about to act on H.R. 4655, the Iraq Liberation Act of 1998. I introduced companion legislation, S. 2525, last week with 7 co-sponsors. Last Friday, the House International Relations Committee marked up the legislation and made only minor, technical changes. On October 5, the House passed H.R. 4655 by an overwhelmingly bipartisan vote of 360 to 38. That vote, and our vote in several moments, is a strong demonstration of Congressional support for a new policy toward Iraq—a policy that overtly seeks the replacement of Saddam Hussein's regime through military and political support for the Iraq opposition.

The United States has many means at its disposal to support the liberation of Iraq. At the height of the Cold War, we support freedom fighters in Asia, Africa and Latin America willing to fight and die for a democratic future. We can and should do the same now in Iraq.

The Clinton Administration regularly calls for bipartisanship in foreign policy. I support them when I can. Today, we see a clear example of a policy that has the broadest possible bipartisan support. I know the Administration understands the depth of our feeling on this issue. I think they are beginning to understand the strategic argument in favor of moving beyond containment to a policy of "rollback." Containment is not sustainable. Pressure to lift sanctions on Iraq is increasing—despite Iraq's seven years of refusal to comply with the terms of the Gulf War cease-fire. Our interests in the Middle East cannot be protected with Saddam Hussein in power. Our legislation provides a roadmap to achieve our objective.

This year, Congress has already provided \$5 million to support the Iraqi political opposition. We provided \$5 million to establish Radio Free Iraq. We will provide additional resources for political support in the FY 1999 Foreign Operations Appropriations Act, including \$3 million for the Iraqi National Congress.

Enactment of this bill will go farther. It requires the President to designate at least one Iraqi opposition group to receive U.S. military assistance. It defines eligibility criteria such a group or groups must meet. Many of us have ideas on how the designation process should work. I have repeatedly stated that the Iraqi National Congress has been effective in the past and can be effective in the future. They represent the broadest possible base of the opposition. There are other groups that are currently active inside Iraq: the Patriotic Union of Kurdistan, the Kurdish Democratic Party and the Supreme Council for the Islamic Revolution in Iraq. The State Department seems to believe there are more than 70 opposition groups, many of which do

not meet the criteria in H.R. 4655. Many barely even exist or have no political base. They should not be considered for support. We should also be very careful about considering designation of groups which do not share our values or which are simply creations of external forces or exile politics, such as the Iraqi Communist Party or the Iraqi National Accord.

I appreciate the work we have been able to do with the Administration on this legislation. But we should be very clear about the designation process. We intend to exercise our oversight responsibility and authority as provided in section 4(d) and section 5(d). I do not think the Members of Congress, notified pursuant to law, will agree to any designation that we believe does not meet the criteria in section 5 of the Iraq Liberation Act of 1998.

This is an important step. Observers should not misunderstand the Senate's action. Even though this legislation will pass without controversy on an unanimous voice vote, it is a major step forward in the final conclusion of the Persian Gulf war. In 1991, we and our allies shed blood to liberate Kuwait. Today, we are empowering Iraqis to liberate their own country.

Mr. HELMS. Mr. President, I am an original co-sponsor of H.R. 4655, the Iraq Liberation Act, for one simple reason: Saddam Hussein is a threat to the United States and a threat to our friends in the Middle East.

This lunatic is bent on building an arsenal of weapons of mass destruction with a demonstrable willingness to use them. For nearly eight years the United States has stood by and allowed the U.N. weapons inspections process to proceed in defanging Saddam. That process is now in the final stages of collapse, warning that the U.S. cannot stand idly by hoping against hope that everything will work itself out.

We have been told by Scott Ritter and others that Saddam can reconstitute his weapons of mass destruction within months. The Washington Post reported only last week that Iraq still has three nuclear "implosion devices"—in other words, nuclear bombs minus the necessary plutonium or uranium to set them off. The time has come to recognize that Saddam Hussein the man is inextricable from Iraq's drive for weapons of mass destruction. For as long as he and his regime are in power, Iraq will remain a mortal threat.

This bill will begin the long-overdue process of ousting Saddam. It will not send in U.S. troops or commit American forces in any way. Rather, it harkens back to the successes of the Reagan doctrine, enlisting the very people who are suffering most under Saddam's yoke to fight the battle against him.

The bill requires the President to designate an Iraqi opposition group or groups to receive military drawdown assistance. The President need not look far; the Iraqi National Congress once flourished as an umbrella organization for Kurds, Shi'ites and Sunni

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;