

(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

County, New Mexico, described as the acquired lands and in section (7) of the "Status of Lands and Title Report: Carlsbad Project" as reported by the Bureau of Reclamation in 1978.

(c) **TERMS AND CONDITIONS OF CONVEYANCE.**—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) **MANAGEMENT AND USE, GENERALLY.**—The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, based on historic operations and consistent with the management of other adjacent project lands.

(2) **ASSUMED RIGHTS AND OBLIGATIONS.**—Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2-LM-40-00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7-07-57-X0888) for the management and operation of Brantley Lake State Park.

(3) **EXCEPTIONS.**—In relation to agreements referred to in paragraph (2)—

(A) the District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) the District shall not be entitled to any receipts for revenues generated as a result of either agreement.

(d) **COMPLETION OF CONVEYANCE.**—If the Secretary does not complete the conveyance within 180 days from the date of enactment of this Act, the Secretary shall submit a report to the Congress within 30 days after that period that includes a detailed explanation of problems that have been encountered in completing the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance.

SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

(a) **IDENTIFICATION AND NOTIFICATION OF LEASEHOLDERS.**—Within 120 days after the date of enactment of this Act, the Secretary of the Interior shall—

(1) provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act; and

(2) notify all leaseholders of the conveyance authorized by this Act.

(b) **MANAGEMENT OF MINERAL AND GRAZING LEASES, LICENSES, AND PERMITS.**—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 2, and shall be entitled to any receipts from such leases, licenses, and permits accruing after the date of conveyance. All such receipts shall be used for purposes for which the Project was authorized and for financing the portion of operations, maintenance, and replacement of the Summer Dam which, prior to conveyance, was the responsibility of the Bureau of Reclamation, with the exception of major maintenance programs in progress prior to conveyance which shall be funded through the cost share formulas in place at the time of conveyance. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project.

(c) **AVAILABILITY OF AMOUNTS PAID INTO RECLAMATION FUND.**—

(1) **EXISTING RECEIPTS.**—Receipts in the reclamation fund on the date of enactment of this Act which exist as construction credits to the

Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359) shall be deposited in the General Treasury and credited to deficit reduction or retirement of the Federal debt.

(2) **RECEIPTS AFTER ENACTMENT.**—Of the receipts from mineral and grazing leases, licenses, and permits on acquired lands to be conveyed under section 2, that are received by the United States after the date of enactment and before the date of conveyance—

(A) not to exceed \$200,000 shall be available to the Secretary for the actual costs of implementing this Act with any additional costs shared equally between the Secretary and the District; and

(B) the remainder shall be deposited into the General Treasury of the United States and credited to deficit reduction or retirement of the Federal debt.

SEC. 4. VOLUNTARY WATER CONSERVATION PRACTICES.

Nothing in this Act shall be construed to limit the ability of the District to voluntarily implement water conservation practices.

SEC. 5. LIABILITY.

Effective on the date of conveyance of any lands and facilities authorized by this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors, prior to conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that provided under chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

SEC. 6. FUTURE BENEFITS.

Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereof or amendatory thereto attributable to their status as part of a Reclamation Project.

The committee amendment was agreed to.

The bill (S. 736), as amended, was considered read the third time and passed.

Mr. DOMENICI. Mr. President, I am very pleased that the Senate has passed S. 736—the Carlsbad Irrigation Project Acquired Land Transfer Act. I, along with Congressman SKEEN, have been working to convey tracts of land—paid for by Carlsbad Irrigation District and referred to as "acquired lands"—back to the district, during the past several congresses.

I introduced this bill in May of 1997 in order to transfer lands back to the rightful owners. This legislation will not affect operations at the New Mexico State park at Brantley Dam, or the operations and ownership of the dam itself. Furthermore, the bill will not affect recreation activities in the area.

This legislation is specific to the Carlsbad project in New Mexico, and directs the Carlsbad Irrigation District to continue to manage the lands as they have been in the past, for the purposes for which the project was constructed. I believe this is a fair and equitable bill that has been developed over years of negotiations. The Carlsbad Irrigation District has had operations and maintenance responsibilities for the past 66 years. It met all

the repayment obligations to the Government in 1991, and it's about time we let CID have what is rightfully theirs.

This legislation accomplishes three things: Conveys title of acquired lands and facilities to Carlsbad Irrigation District; allows the District to assume management of leases and the benefits of the receipts from these acquired lands; and sets a 180-day deadline for the transfer, establishing a 50–50 cost-sharing standard for carrying out the transfer.

The Carlsbad Irrigation Project is a single-purpose project created in 1905 by the Bureau of Reclamation, acquiring all facilities, lands and water rights of the privately-owned Pecos Irrigation Company. The CID has had operations and maintenance responsibilities for the irrigation and drainage system since 1932.

During the 104th Congress, the Carlsbad Irrigation District presented testimony before the Committee on Energy and Natural Resources on one occasion, and before the House Committee on Resources on two occasions. Additionally, the administration expressed on several occasions before these two committees that they want to move forward with acquired land transfers where they make sense. The Commissioner of the Bureau of Reclamation, Eluid Martinez, has informed the district and me that he believes that the Carlsbad project is one of several projects where the Bureau would like to pursue transfer opportunities. It is about time that we pass this legislation to provide the Bureau with the ability to accomplish their stated goal in a fair and equitable manner.

This transfer shifts responsibility from the Federal Government back to a local entity, and creates opportunity for the district to improve and enhance the management of these lands. After a long wait, we have gotten administration support for this transfer in language substituted by the Senate Energy Committee, and have gained support from the Democratic side of the aisle. I hope that the House of Representatives will act quickly on this legislation so that the Carlsbad Irrigation District will promptly begin getting the benefits for that which they have paid.

LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 1998

The Senate proceeded to consider the bill (S. 777) to authorize the construction of the Lewis and Clark Water System and to authorize assistance to Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italics*.)