full Senate, is significantly different than S. 314 as introduced. While S. 314 as introduced was opposed by the administration and by the Federal employee unions, the compromise measure reported from the committee is not opposed by these groups.

Mr. President, this is important legislation that I believe will truly result in a government that works better and costs less. Certainly government agency officials should have the ability to contract with the private sector for goods and services needed for the conduct of government activities. This bill will not inhibit ability. However, it should not be the practice of the government to carry on commercial activities for months, years, even decades without reviewing whether such activities can be carried out in a more cost effective or efficient manner by the private sector. I believe that the drive to reduce the size and scope of the Federal Government will be successful only when we force the government to do less and allow the private sector to do more.

During the course of our hearings, it became abundantly clear that there are certain activities that the Federal Government has performed in-house which can and should be converted to the private sector. Areas such as architecture, engineering, surveying and mapping, laboratory testing, information technology, and laundry services have no place in government. These activities should be promptly transitioned to the private sector.

There are other activities in which a public-private competition should be conducted to determine which provider can deliver the best value to the taxpayer. This includes base and facility operation, campgrounds, and auctioning.

There are several key provisions in the bill upon which I would like to comment. In particular, section 2(d) requires the head of an agency to review the activities on his or her list of commercial activities ''within a reasonable time''. OMB strongly opposed a legislative timetable for conducting these reviews. As a result of the compromise language on this matter, it will be incumbent on OMB to make certain these reviews are indeed conducted in a reasonable time frame. These reviews should be scheduled and completed within months, not years. I will personally monitor progress on this matter, as will the Governmental Affairs Committee. I urge OMB to exercise strong oversight to assure timely implementation of this requirement by the agencies.

This provision also requires that agencies use a ''competitive process'' to select the source of goods or services. In my view, this term has the same meaning as ''competitive procedure'' as defined in Federal law (10 U.S.C. 2302(2) and 41 U.S.C. 259(b)). To the extent that a government agency competes for work under this section of the bill, the government agency will be treated as any other contractor or offeror in order to assure that the competition is conducted on a level playing field.

Another issue that I have been concerned about is the proliferation of Interservice Support Agreement's (ISSA's). Under the ''FAIR'' Act, consistent with the Economy Act (31 U.S.C. 1535), items on the commercial inventory that have not been reviewed may not be performed for another federal agency. In addition, any item on the inventory cannot be provided to state or local governments unless there is a certification, pursuant to the Intergovernmental Cooperation Act (31 U.S.C. 6505(a)).

Enactment of the ''FAIR'' Act is a major achievement because it codifies a process to assure government reliance on the private sector to the maximum extent feasible. Further, it will put some teeth into Executive Order 12615 issued by President Reagan, which is still on the books today.

Again, I thank the members of the Senate Governmental Affairs Committee and the committee's staff, for all of the hard work necessary to forge this compromise. I look forward to working with them on thorough congressional oversight on the implementation of this bill.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mrs. FEINSTEIN. Mr. President, following my remarks, it will be my intention to offer an amendment to close a gaping loophole in legislation which we passed 4 years ago to make the streets of this country safe. That specific legislation was legislation that prohibited the manufacture and sale of 19 commonly used assault weapons, semiautomatic assault weapons, that have been used to kill police, used by grievance killers, used by gangs, used by cartels, used by drive-by shooters.

The legislation also contained provisions that sought to eliminate the sale and transfer of the high-capacity clips and magazines that would hold more than 10 rounds of ammunition. And, in fact, today it is illegal in this country to domestically manufacture and sell a new clip, drum or strip that was made in this country, except to the military, police, or for nuclear power plant protection. It has become evident that though this legislation has been successful in reducing the criminal use of the 19 banned assault weapons, the provisions in this law aimed at reducing the availability of these large-capacity ammunition feeding devices have been rendered ineffective.

At the request of the distinguished Senator from Idaho, who was on the floor a moment ago, the 1994 law grandfathered existing high-capacity clips which were manufactured before the effective date of the ban to allow those clips which had a bill of lading on them to enter the country and to allow dealers to recover their expenses by selling off their existing stocks. The same thing existed for assault weapons themselves.

The President and Secretary of the Treasury closed this loophole through his executive decision which used the 1968 law, which said that any weapon imported into this country must meet a sporting use test. And 1.6 million of these semiautomatic assault weapons were essentially cut off from importation. The thrust of the legislation was to eliminate the supply over time —not to prohibit possession, but over time, because there are so many of these weapons and clips in this country now, to cut down on their supply.

I will never forget, because the distinguished Senator from Idaho did approach me on the floor—we were standing right down in the well; I remember it as clear as if it was yesterday, although it was almost 5 years ago—and indicated that he was concerned about weapons that had a bill of lading on them which had been manufactured pre-assault weapons ban and which were in the process of transit into this country.

My point, Mr. President, is that now, 4 or 5 years later, the existing supply of these clips surely has been used up. However, foreign clips have continued to pour into the United States.

From July of 1996 to March of 1998, the Bureau of Alcohol, Tobacco and Firearms approved 2,500,000 large-capacity clips for importation into this country.

Recently, that number has skyrocketed even further. In just the last 5 months, BATF has approved permits for 8.1 million large-capacity clips for importation into America. That represents a 314-percent increase in one-fourth of the time.

These clips have been approved to come through at least 20 different countries. It is difficult to know the place of manufacture, but they come through 20 different countries into this country.

I would like to just quickly go through the countries that they come through. And there are some interesting things. Austria, Belgium, Chile, Costa Rica, Czech Republic, Denmark, England—and clips manufactured somewhere abroad come through Great Britain; there are actually 250-round magazines—250-round magazines—for sale in this country and 177-round magazines for sale in this country—Germany, Greece, Hungary, Indonesia, Israel, Italy, Nicaragua, South Africa, Switzerland, Taiwan, and Zimbabwe.

So the total is 8.8 million in two years approved to come in.

Unfortunately, there is virtually no reliable method to determine the date of manufacture on the millions of clips

that the BATF has estimated are in circulation now in the United States. The inability to determine the date of manufacture is particularly true regarding the foreign importation of large-capacity magazines because BATF has no ability to independently determine whether such clips imported into the country are legal or illegal. It has allowed the continued importation of clips represented to be manufactured before the assault weapons ban took place.

Let me show you how this happened. Here is a clip from Shotgun News, dated February 1998: ''Banned semiautomatics, Bulgarian SLR 95. 1 free 40-rd magazine with each purchase.''

Here is another one: ''Quality replacements, 30 rounds, the choice of the Canadian military. Will not bend or rust, $8.99 a clip.''

Here is where you see the impact of, now, the foreign rounds: ''30-rd East German''—East German-made—''Ribbed back, AK–47 magazines, $7.99.''

Here is one: An ''AK magazine special,'' coming with the pouch, ''including 4 Chinese AK–47 30-rd magazines with pouch, $27.50.'' It also includes ''four East German AK–47, 20 rd magazines with a pouch, $29.95.''

Now, my staff called a shotgun store and asked to buy some of these magazines. The only question he was asked, ''Is it legal to buy this stuff where you are''—he was in Washington, DC, where it is not legal to own a gun, and he said, ''I don t know, as far as I know it is,'' and they said, ''We will send it to you.''

My point is, you can get these big clips very easily—on the phone, by mail order. And because now the supply of the domestic clips is running out, most of the clips being sold in this country are of foreign manufacture. So we have two sets. We have the domestic manufacturers prohibited. We have the sale and transfer of new clips prohibited. And you have the grandfather clause creating this gigantic loophole which allows these big clips to continue to come into the country.

In April of this year, President Clinton and Treasury Secretary Rubin closed one loophole created by this grandfather clause by blocking further importation of modified semiautomatic assault weapons. About 30 of us sent him a letter. We pointed out there were 1.6 million of these which received approval that were coming in from all over the world. The Treasury Department looked at the 1968 law, which requires all imported weapons to meet a sporting test, and decided that they don't meet this sporting test, and therefore the Executive order is in place and this importation has been prohibited. The remaining loophole to close is this loophole for the big clips. The amendment that we will shortly offer will do just that.

So the change to the law that I have proposed is simple: It would bar further imports of large-capacity clips and magazines, just as U.S. domestic manufacturers have been stopped from producing these magazines. This amendment would not—I repeat, not—ban further domestic sales and possession of large-capacity clips which are already legally in the United States. There are tens of millions of these already.

Now, let's talk about who uses these high-capacity clips. I pointed out, coming through Great Britain, there were ammunition-feeding devices carrying 250 rounds. You can expel 250 rounds before you have to reload. Do hunters use them? Do marksmen use them? Do skeet shooters use them? Do Olympic team members use them?

Let's take hunters. The answer is no, hunters don't use them. Most States limit the magazine capacity allowed for hunting, usually eight rounds or less. Federal law clearly outlines the ammunition magazine size limits for bird shooting. Federal law does not allow the use of a shotgun that has a capacity of more than three shells—one in the chamber and two in the magazine—when hunting migratory game birds.

How about the Olympic team and other competitive shooters? No.

So who really uses these large-capacity clips? Let me read a list of events that have taken place fairly recently. July, 1998, earlier this month, Rio Hondo, TX, a killing spree leaves five dead, including two Border Patrol officers. In one day, 24-year-old Ernest Moore killed four people in what police called a planned situation. He killed two people and wounded another in a private residence. Police at the scene recovered an MK–70 assault rifle and a 30-round clip. Approximately 30 minutes later, Moore fired as many as 100 rounds at law enforcement officers from a .223-caliber assault rifle. Two Border Patrol agents were killed at the scene and a sheriff's deputy was wounded.

That is who uses these big clips.

June 17, Coeur d'Alene, ID: A State trooper ambushed by merciless assassin. State trooper Linda Huff was ambushed and killed by a man wielding a 9-millimeter pistol with a 15-round clip. Police were not immediately certain why 34-year-old Scott David Yeager bicycled to the police station and fired 17 rounds at Huff in the rear parking lot. Investigators say Yeager fired all 15 rounds from one 15-round clip, disposed of it, reloaded, and continued to fire.

In May of this year, Springfield, OR: A 50-round clip. High school student kills four, injures dozens. After killing his parents, went on a shooting spree at his high school—most of us are familiar with this. To carry out his fatal assault, he used a Ruger 10.22 hunting rifle, a Ruger .22 caliber handgun and a Glock model 19. Found attached to the rifle, a traditional hunting gun, was an empty 50-round clip and found on the student were four 30-round clips and two 20-round clips. During the attack, he fired from the rifle indiscriminately, and it was not until he emptied the 50-round clip that several of his classmates were able to tackle and subdue him.

In March of this year, Jonesboro, AR: 15-round clips. Two middle school students ambush classmates. Two students, age 11 and age 13, pulled the fire alarm in their school in order to draw their classmates outside. The boys lay in wait and ambushed the other students when they got outside. They fired 24 shots into the crowd, 15 of which came from a Universal carbine rifle with a 15-round clip. The shots from the rifle were fired as fast as the shooter could pull the trigger.

February of this year, New Orleans, LA: A 30-round clip. Police recover 30-round clip after chase. After a routine traffic stop, a man led police on a 3-mile chase during which he pointed a 9-millimeter assault pistol with a 30-round clip.

And then it goes on and on and on. Elmhurst, NY, 30-round clip. Indianapolis, 30-round clip; traffic stop pulls the weapon. Orange, CA, 30-round clip; disgruntled employee kills five with 30-round clip; five people were killed, and a police officer was seriously wounded when a disgruntled Caltrans employee began randomly firing from an AK–47S with a 30-round clip. Denver, CO, last November, police officer killed by SKS with a 30-round clip; Denver police officer Bruce VanderJagt was killed by a barrage of gunfire from an SKS assault rifle as he chased a burglary suspect; police later recovered the rifle and the 30-round clip. Magna, UT, police officers shot by SKS with 20-round clip.

It goes on and on and on. The point is, there are so many of these big clips available in this Nation that they become the ammunition-feeding device of choice for the grievance killer, the person going up against police, the gang that wants to engage in intimidation, drive-by shootings, the cartels—these are the weapons of choice, and the weapons of choice are useless if you don't have that big-round clip.

What are we seeing? Five months and 8.1 million of these receiving approval to come into this country because BATF could not assert when they were manufactured. BATF can't go to another country to check a factory supply. Therefore, an understanding that I have with the distinguished Senator from Idaho—and I am pleased he is on the floor now; these would apply to clips or weapons that had bills of lading attached to them—is clearly not the case today. Bills of lading that preexisted a 4-year-old piece of legislation now. The time has come to close this grandfather clause.

Now, a number of the tragedies that I have just indicated probably would have occurred without the availability of killer clips. Some are fond of saying, ''Guns don't kill, people do.'' Yes, that is true. But I don't think ever before in the history of this Nation we have ever

had a time when more weapons of destruction were falling into the hands of children.

The case that really struck me was a case in Memphis, TN, when a 5-year-old took a loaded weapon to school to kill a teacher who had given that youngster a ''time out'' the day before.

All we are trying to do is close the grandfather clause, say all of the clips that were in transit on the day we passed this legislation, 4 years ago, have been used up, and now is the time to close the loophole.

Interestingly enough, some have told me, and Members of this body have told me, ''Well, we know people who like to use them plinking.'' They told me, ''Yes, I like to use them plinking.'' Well, we are not taking away anybody's right to possess or to plink. There are plenty of clips around for plinking. What we are trying to do is stop what is now a massive flood of clips, even those that now carry 250 rounds in these magazines, from coming into this country.

I don't like to do this amendment, frankly, this day, because this is a solemn day and I don't like to mix the two. Unfortunately, the Treasury-Postal bill is on the floor at this time, and this is an opportunity to move the amendment.

I hope that those who know the intent of the grandfather clause to only affect those guns and clips that were in transit at the time of the enactment of the legislation—something that I agreed to because I thought it was fair—will agree to let this legislation go into place. It will not take a clip out of anyone's hands; it will not prohibit possession. Domestic manufacturers of ammunition feeding devices, today, cannot manufacture clips for general sale that are in excess of 10 bullets. We know they are not used in hunting, but we do know that in case after case they are used to kill police officers, they are used to kill employees, used by grievance killers, drive-by shooters, drug gangs, cartels, etc. The real question in my mind is: Do the rights of the majority outweigh the rights of those few who would like to plink, who would like to continue the flood of weapons coming into this country? There is no civilized, industrialized power on Earth in which there are more weapons or in which there are more of these big clips floating around.

The instant case that really jettisoned me into the assault weapons legislation was the 1994 case of Luigi Ferri, who had Tec-9 copycats and a 9 millimeter pistol. When he went into 101 California Street, this was his array of ammunition-feeding devices that he brought with him. He carried with him 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25—25 different ammunition feeding devices, with enough rounds that exceeded 500 rounds. I think it was actually over a thousand rounds of ammunition used to do his dastardly deed. Indeed, he left 8 people dead and about 14 people wounded. And no one could get to him to disarm him. In this case, I don't know whether these are domestic or foreign made clips.

The point I want to make is that the large number, the incredible fire power and the lack of sanity seemed to prevail.

AMENDMENT NO. 3351

(Purpose: To ban the importation of large capacity ammunition feeding devices)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 3351.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 104, between lines 21 and 22, insert the following:

SEC. 644. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) SHORT TITLE.—This section may be cited as the ''Large Capacity Clip Ban of 1998''.

(b) BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Except as provided in paragraph (2)'' and inserting ''(1)(A) Except as provided in subparagraph (B)'';

(2) in paragraph (2), by striking ''(2) Paragraph (1)'' and inserting ''(B) Subparagraph (A)'';

(3) by inserting before paragraph (3) the following:

''(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.''; and

(4) in paragraph (4)—

(A) by striking ''(1)'' each place it appears and inserting ''(1)(A)''; and

(B) by striking ''(2)'' and inserting ''(1)(B)''.

(c) CONFORMING AMENDMENT.—Section 921(a)(31) of title 18, United States Code, is amended by striking ''manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994''.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I move to table the Feinstein amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Feinstein amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''aye.''

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote ''no.''

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—54

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Roberts
Bingaman	Grassley	Roth
Bond	Gregg	Santorum
Breaux	Hagel	Sessions
Brownback	Hatch	Shelby
Burns	Hollings	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Coats	Hutchison	Snowe
Cochran	Inhofe	Specter
Collins	Kempthorne	Stevens
Coverdell	Kyl	Thomas
Craig	Leahy	Thompson
Domenici	Lott	Thurmond
Enzi	Mack	Warner

NAYS—44

Akaka	Feingold	Lieberman
Biden	Feinstein	Lugar
Boxer	Ford	Mikulski
Bryan	Glenn	Moseley-Braun
Bumpers	Graham	Moynihan
Byrd	Inouye	Murray
Chafee	Jeffords	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Robb
D'Amato	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
DeWine	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Levin	

NOT VOTING—2

Harkin	Helms

The motion to lay on the table the amendment (No. 3351) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3352

(Purpose: To provide for greater access to child care services for Federal employees)

Mr. CAMPBELL. I send an amendment to the desk on behalf of Ms. LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Ms. LANDRIEU, proposes an amendment numbered 3352.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title VI, insert the following:

SEC. ___. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—An Executive agency which provides or proposes to provide child care services for Federal employees may use agency funds to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts provided under subsection (a) with respect to any facility or contractor described in such subsection shall be applied to improve the affordability of child care for lower income

Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Office of Personnel Management and the General Services Administration shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

Mr. CAMPBELL. Mr. President, this is an amendment which has been cleared by both sides of the aisle. This amendment is about child care services for children of Federal employees, which allows agencies to provide child care at an affordable cost.

Mr. KOHL. Mr. President, we support this amendment fully.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3352) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CAMPBELL. Mr. President, at this time, I yield time to Senator THOMPSON for the purpose of submitting an amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank my distinguished friend from Colorado.

AMENDMENT NO. 3353

(Purpose: To require the addition of use of forced or indentured child labor to the list of grounds on which a potential contractor may be debarred or suspended from eligibility for award of a Federal Government contract)

Mr. THOMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON] proposes an amendment numbered 3353.

Mr. THOMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out section 642 and insert in lieu thereof the following:

SEC. 642. The Federal Acquisition Regulation shall be revised, within 180 days after the date of enactment of this Act, to include the use of forced or indentured child labor in mining, production, or manufacturing as a cause on the lists of causes for debarment and suspension from contracting with executive agencies that are set forth in the regulation.

Mr. THOMPSON. Mr. President, this amendment addresses a certain provision in the Postal-Treasury appropriations bill at section 642. It is a section that deals with procurement policies. It is a section that deals with a problem of goods that are produced by child labor—a problem about which we are all sensitive. I do think that this provision should not be in this bill. I offer this amendment to amend the provision, leaving in the portion that addresses the child labor issue, but taking out certain portions that I believe are clearly unconstitutional and unneeded.

In the first place, Mr. President, this is an area of some complexity—the procurement laws and regulations of this country. It is an area that is within the jurisdiction of the Governmental Affairs Committee, of which I am chairman. Our committee has spent a good deal of time dealing with this issue. We have passed legislation over the last two Congresses that deal with our procurement policies in this country. We have passed the Federal Acquisition Streamlining Act of 1994—this is a provision that Senator GLENN sponsored—and we passed the Clinger-Cohen Act of 1996—all dealing, at least in part, with the problem of Government procurement, and procurement practices and policies. I think, as most people who deal with this realize, it is certainly a balancing act. There are considerations that have to be given to the contractors. There are considerations certainly that have to be given to the Government—what is fair.

We want to place reasonable requirements and restrictions with regard to the practices and policies that the Government uses when they go out and acquire goods and services, and so forth. Everyone comes in and gets a seat at the table, and we hash those things out. We have been doing that in a free and open debate for some time now.

We discover now that with regard to this provision, instead of it going through the regular process, instead of our having debate on the issue, and instead of us having a discussion on the issue, we find that it winds up being a substantive provision with regard to policies that apply across the board and winds up as a part of this appropriations bill. I do not believe that is a good way to legislate.

We hear a lot of times complaints about amendments on appropriations bills. But here we actually have a provision within the appropriations bill which, as I say, really substantively addresses an issue not only under the jurisdiction of the committee that has been wrestling with this problem for some time but without any really public discussion or debate.

What does this 642 require?

First of all, it requires that the Secretary of Labor publish a list of items that might have been produced by child labor—''might have been produced'' by child labor. I am not sure whether or not there is another provision in the law that places a requirement on people based upon the determination that certain items might have had a certain origin, or anything of that nature. But be that as it may, there is nothing wrong with putting something on a list in and of itself.

Then the provision says that the Government may not require an item on that list unless the person or company providing the goods or services certify that it was not a product of child labor.

In other words, apparently the best the Government can do, or the requirement that the Government has, is simply to come up with whether or not an item might have been produced by child labor. But then the supplier of the goods has to certify, based on that list, that in fact it was not produced by child labor.

Then, 642 goes on to say that the contract may be terminated based upon violation of this provision and that the contractor may be disbarred.

So far, so good, although this is, I believe, very, very troublesome language that is used here. But so far, so good. You are debarring someone. You are terminating the contract, if there is any indication that child labor is used.

I must point out that this activity is already not only grounds for debarment but a crime. It is already a crime to place materials produced by child labor in interstate commerce, punishable by a $10,000 fine per child employee and 6 months imprisonment.

In addition, under 18 U.S.C. 1581, whoever holds or returns any person to a condition of peonage shall be fined not more than $5,000, or imprisoned not more than 5 years, or both.

As far as the criminal law is concerned, anyone who would be in a disbarment situation would be violating a very severe criminal law.

But, be that as it may, so we are duplicative. So what? What is the big problem with that?

The biggest problem with all of this is not what I have been discussing so far, although as we see troublesome language duplicative, it is already a criminal act in the Federal Acquisition Regulations. It already has cause for disbarment for the commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the responsibility of the Government contractor or subcontractor.

I can't think of anything that would be more indicative of a lack of business integrity than using child labor.

So not only do we have a criminal act prohibiting this activity, but we have a regulation now saying that you can disbar on the basis of this activity.

But, again, as I say, so far, so good, as far as I am concerned. So we are duplicative. So we use vague language.

The problem that is the major one in this particular section has to do with the provision that is on CB, a capital B, which says the following: That an acquisition contract has to include the following language:

A clause that obligates the contractor to cooperate fully and provide access for any official of the United States to the contractor's records, documents, persons, or premises, if requested by the official for the purpose of determining whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under this contract.

I believe this is clearly unconstitutional. I know the intent was good. We all have the same intent with regard to the end result here. But we have picked out a particular area—not drug dealing, not selling faulty parts for an airplane that crashes and kills our pilots, and not faulty parts that go on machines that kill our Armed Forces—all the terrible things that could happen.

We have picked out one and have given some Government officials, any Government official, total, unlimited access to the books, records, and persons of anyone whom they choose to exercise that with regard to.

There is a body of law, of course, with regard to unwarranted administrative searches. Under certain circumstances, warrantless administrative searches are permissible. But we have to keep in mind that under those circumstances, under the warrant clause of the Constitution, there is no probable cause requirement.

So these are dangerous things that the courts have said you have to be careful with, and you have to have certain requirements in the statute giving you the right to carry out these warrantless searches, if they are going to be constitutional.

First of all, the Government needs to have a substantial interest. I think that is covered here.

Second, the regulation of the business had to serve that interest. I am willing to concede that.

Third, statutory safeguards are needed to provide an adequate substitute for a warrant requirement.

We have a warrant requirement. Whether we are dealing with the most heinous criminal activity imaginable, we have generally been speaking about a warrant requirement, a due process requirement, under the Constitution. But the courts have said that if you do not have that, if you are going to carry out a warrantless administrative search, you have to have certain statutory safeguards.

They have discussed what they are. None of them is here, Mr. President.

First of all, there is total discretion with regard to the Government official as to which business he decides to check on that day, or which individual. There is no probable cause requirement, or no evidentiary requirement at all. He has total and complete discretion under this language to decide which business he wants to check on.

That is constitutionally suspect from the outset, according to the court cases.

Second, any official of the United States can do it.

I don't know if that includes me or not, or the staff. But any official of the United States, I guess from fire marshals to officials over at the Department of Energy, or whoever.

Third, there is no statutory procedure for challenging of the warrant at all. Some of the statutes say that if the concern refuses to consent to this kind of process, search and seizure, there is a statute, a civil provision, whereby it can be contested. That is not here.

Lastly, it is not just the premises that we are talking about here, but it has to do with all records and documents and persons apparently that are subject to this particular provision. It is a provision that has not been applied to and cannot constitutionally be applied to the most heinous criminal activities imaginable. And although these are certainly reprehensible activities we are dealing with, they cannot amend the Constitution of the United States with regard to all of the various things for which a person or a business can be debarred. Your imagination is the only limitation as to what those things might be. There could be some very, very terrible things, as I indicated, and this is one of them. But here we have selected this particular activity and placed a burden on the supplier of Government goods that, frankly, cannot withstand constitutional scrutiny.

The bill in section 642 has an exception, and it says that this section does not apply to a contract that is for the procurement of any product, article, material or supply containing a product that is mined, produced or manufactured in any foreign country or instrumentality if the foreign country or instrumentality is a party to the agreement on Government procurement annexed to the WTO agreement.

In other words, this provision that I have just been talking about does not apply to a foreign country if it is a party to the WTO agreement or a party to the North Atlantic Free Trade Agreement. As I understand this, if a country is a party to the WTO agreement or is a signatory or a party to NAFTA, they are not covered by this, and presumably goods coming from that country would not be covered by this, so a manufacturer in a country that is a part of NAFTA or WTO presumably would not be covered by this.

The United States of America is a party to NAFTA, but goods emanating from this country would not be covered by this. Now, I am not sure in practical terms how this would work out or what kind of problems this would present, but I do not see why companies of a foreign country should be exempted from this law when companies from this country are targeted by this law and are having these, what I believe are fairly clearly unconstitutional, requirements and burdens placed on them.

So the proper action would be to bring this language back to the Governmental Affairs Committee and consider it in the normal course of Senate business. But the fact remains that the language is pending before the Senate so we must deal with it.

So, Mr. President, I am offering an amendment which will give Federal agencies the ability to debar or suspend companies. And I repeat that. This will give, if there is any question—I don't think there is any question that they have the ability to do that now. It is against the Federal law, and it is provided for in the FAR. But in case there is any question about that, my amendment will give Federal agencies the ability to debar or suspend companies which use forced or indentured child labor, but in a way that is consistent with the current procurement system of the delicate balance that has been worked out which has specific regulatory history and due process requirements, and not in the vague way that this language addresses it.

Mr. President, I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Wisconsin.

Mr. KOHL. Mr. President, I request that we defer action on this issue until Senator HARKIN, who has taken the lead on this issue, returns. He is away today in Minnesota at a funeral of his father-in-law. I understand he will be back tonight, but I cannot be certain of that. It seems to me, until he is back to respond to Senator THOMPSON's concerns, it would not be fair to take up this amendment. So I request that this amendment be laid aside at this time.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON. If the Senator will yield, I have absolutely no objection. I was not aware of Senator HARKIN's situation, and I will certainly defer it until he can be here. I have no objection.

Mr. KOHL. I thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. While we have a few moments, I thought I would describe a couple of sections of this bill. One that might be of interest to our colleagues deals with the vehicle program description.

This bill contains a significant amount of funding for the Treasury's law enforcement activities. Senator KOHL and myself are very strong supporters of Treasury's law enforcement efforts.

As our colleagues know, in our fiscal year 1998 bill, we included a request for GAO to do a study on the utilization of vehicles by Treasury's law enforcement bureaus. I have to tell you at the outset, this committee does all it can to

ensure that the law enforcement agents within Treasury are well equipped to do their duties.

However, when I became chairman of the subcommittee, I noticed that all law enforcement bureaus in Treasury would put forth requests for new vehicles, stating that many of their vehicles ''were well above GSA standards,'' which in this case means the speedometers said 100,000 miles or more on them.

Upon further discussion with the bureaus, it became apparent that agents have door-to-door use of their vehicles. The rationale here was, if the law enforcement officer is called for duty during their off-duty hours, they need to be able to reach the scene in a vehicle which is up to law enforcement standards.

Having been a former law enforcement officer myself, as I mentioned earlier in the day, I understand and support that rationale that agents must have a vehicle in case they are called to duty unexpectedly. But I do have some difficulty with the fact that it appears that all agents are getting cars which they use for home-to-work transportation, regardless of their position, regardless of the probability of being called while they are at home at all.

The GAO study told us that there is no consistent management of these vehicles, nor is there any determination of need based on how likely it is for one agent to be called to duty once at home. Many of our colleagues may not know this, but when the Government purchases a law enforcement vehicle, it is different from a vehicle that we drive on the highway. For example, it has to be especially equipped with a larger engine, sometimes the springs or shocks are reworked, and they certainly have special radios, and it is not uncommon for this special equipment to cost $10,000 or more per vehicle.

Therefore, when the vehicles are used for transportation to and from work, the useful life of the vehicle is certainly decreased, and the Government carries the burden of replacing the vehicles sooner than they had planned. Given our tighter budgets, I felt the Treasury needed to get a handle on how they manage this vehicle pool. This year alone, the Treasury requested approximately $30 million to acquire new vehicles. Currently, the bureau manages the usage terms of the vehicles and all the associated costs in a rather indiscriminate fashion. In Treasury's defense, we were pleased to see that they had requested $1 million in this year's budget for a vehicle tracking program, which we have funded.

What we did not fund was the acquisition of new vehicles beyond what the bureaus are already carrying in their budgets. However, I should make it clear that there is funding contained in each bureau's budget to cover the cost of replacing the oldest vehicles. So what we are really doing here is maintaining the current fleet while replacing the oldest, while not adding to the total number of vehicles in the fleet. The rationale here is that the Treasury needs to put this management system in place before we appropriate additional moneys to purchase even more new vehicles. I tell my colleagues, it is a very plain and simple, good Government provision. Senator KOHL and I support law enforcement agents within the Treasury, but I cannot imagine that each and every one of them will have a reasonable chance to be called for duty every night.

As an appropriator, I think it is my responsibility to ask questions about cost management, and we have told the agencies that we will hold them accountable for their costs. In this case, it is vehicle usage which directly impacts the life of the vehicle and ultimately the cost to the Government. During fiscal year 1998, the Department of the Treasury spent a great amount of money for vehicle-related expenses.

I believe this is a much-needed step, and I hope this new vehicle management program will improve Treasury's ability to accurately project vehicle replacement, maintenance, and need for new vehicles. In addition, I hope the Treasury's program will include the impact that portal-to-portal usage has on the maintenance or life of the vehicle. We are certainly looking forward to working with the Treasury to put this new system in place.

Mr. President, with that I yield the floor.

AMENDMENT NO. 3355

(Purpose: To extend certain prohibitions relating to undetectable firearms)

Mr. KOHL. Mr. President, I rise to offer an amendment to continue protecting our airports and our government buildings from terrorist threats. Our proposal would extend the already existing ban on undetectable firearms—guns that don't set off metal detectors—for five more years.

In 1988, we passed the Undetectable Firearms Act to bar the manufacture, sale, and possession of any firearm that is not detectable by metal detectors or the type of x-ray machines commonly used at airports. It passed unanimously in the Senate. It was endorsed by the NRA, and the NRA has no objection to this amendment being offered today.

At the time we passed this law, ''plastic'' or undetectable guns were not yet developed. But Congress was concerned that technology might make ''plastic'' guns possible. Ten years later, plastic guns are still not a problem. This law deserves some for that. In fact, on a few occasions, ATF has refused to approve guns intended for commercial distribution because the guns didn't have enough metal in them.

The Act, however, is scheduled to ''sunset'' this December. The sunset provision exists because in 1988 it was predicted that new technology would soon be able to detect non-metallic firearms. Unfortunately, technology has not developed so rapidly, so extension of this law appears to be warranted.

While the Department of Treasury has requested a permanent extension, we propose a five year extension. A five year extension allows us to study whether a permanent law is necessary, and whether non-detectable guns are really a possibility.

But an extension is appropriate, especially in light of recent events. Indeed, several years ago, it was reported that the columnist Jack Anderson sneaked a ''plastic gun'' past security into the Capitol. More recently, the New York Times reported that tiny guns made to look like ''key chains'' could get around metal detectors in Europe.

Mr. President, I send the amendment to the desk, and I ask for its immediate consideration. I ask for unanimous consent that it be accepted.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 3355.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 104, between lines 21 and 22, insert the following:

SEC. 644. EXTENSION OF SUNSET PROVISION.

Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended by striking ''(2)'' and all that follows through ''10 years'' and inserting the following:

''(2) SUNSET.—Effective 15 years''.

The PRESIDING OFFICER. Is there further debate?

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, this amendment is not new language, as Senator KOHL has alluded, because under current law, there was an original ban of 10 years. This simply extends that current language for another 5 years.

I have checked with the majority, and the people I have checked with so far are supportive of this amendment, but Senator HATCH has asked if we can lay this amendment aside for a few minutes because he would like to read it more carefully, if that is acceptable to Senator KOHL.

Mr. KOHL. That is acceptable.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. CAMPBELL. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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