than 6 percent—have at least one inadequate building.

In urban, rural, and suburban areas alike, schools are crumbling down around our children. According to the U.S. General Accounting Office, it will cost at least $112 billion just to bring them up to code. That price tag does not include the cost of upgrading schools so they can incorporate modern technologies in the classroom. The FCC, the Federal Communications Commission, recently finalized an initiative that will give the schools and libraries deep discounts on telecommunications services, which should provide millions of children access to modern technology that they would not have otherwise enjoyed. Too many of our children, however, will be unable to take advantage of this opportunity because their schools lack even the basic infrastructure necessary to allow a teacher to plug a computer into the classroom wall. Nearly half of the schools lack the basic electrical wiring needed to fully integrate computers in the classrooms.

So the crumbling schools problem has ramifications even beyond leaky roofs. It cuts off the ability of our youngsters to take advantage of technologies that will help them grapple with the educational challenges that they face in their time.

Schools are overcrowded, also. I have seen schools where the study halls are literally in the hallways, where computer labs are on the stairwell landings, and where they have erected cardboard partitions at the end of corridors in order to create makeshift classrooms.

These dilapidated, overcrowded schools do not provide our children with the kinds of opportunities they will need to compete in the 21st century global economy. Nor do these aging and crumbling schools provide our children with the educational opportunities all of our children will need if we ever expect to move beyond the problems of race relations which have existed, like a sore on our Nation, since its earliest days.

While Dr. Franklin was meeting with the President's Advisory Board on Race Relations, many of my colleagues over here were meeting to work out the final details of the tax bill. President Clinton's tax proposal includes an innovative proposal to address the conditions of crumbling schools. I hope my colleagues on the conference committee will see fit to adopt his proposal.

The President has called for the distribution of allocable tax credits to the States, which would then offer those tax credits to developers and builders in exchange for their performing below-market-rate school construction or improvement projects. States and school districts need our help to address the problem of crumbling schools. We have to rebuild these schools for the 21st century to give our young people the educational opportunities that they need and they deserve. Doing so will help prepare our children for the 21st century economy and will help build a climate of tolerance among the people of our country.

I would like to take a moment to read a letter to my colleagues that I recently received from a superintendent of a rural school district in southern Illinois. I remind my colleagues, Illinois—we used to have an expression, ''Just outside Chicago there is a place called Illinois.'' My State is largely rural once you leave the region around Chicago. I would like to read his letter, the whole letter, because I think it is important. Superintendent Lawrence Naeger wrote to me. He said:

I am the Superintendent of Century Community Unit Number 100 School District near Ullin, Illinois in the county of Pulaski. I am writing to you in the name of the many citizens of my school district that support your efforts to put dollars back in the federal budget for school construction.

From the earliest days of our school district, the school house has been a focal point of great community pride—a brick and mortar representation of the commitment which citizens of this school district have made to their children's education. Sadly, economic changes over the years have made our community's commitment more difficult. The alarming number of construction concerns that now exist point to a crisis waiting to happen.

As time goes by, it becomes evident that small repairs and quality maintenance is not enough. Thankfully, there have been no major health or safety disasters directly related to the structures. However, it is apparent that the leaking roofs, rusted plumbing, overworked heating systems, and crumbling plaster are fast approaching a crisis point. Less visible, but also of great concern, are infrastructure problems related to overcrowding and/or the inadequacy of school facilities for education as we move toward the 21st Century. Classes held daily on a stage in a gymnasium in the elementary school, and electrical systems which are inadequate for today's learning technologies, stand in the way of quality education for our children.

The Century Board of Education, trying to address these concerns, have been caught between competing demands for local dollars and increasingly restrictive laws regarding access to revenue. As anti-tax sentiment has grown, so too has the recognition that the state and federal governments must become partners in resolving school infrastructure concerns.

The Century School district is clearly at a critical juncture with respect to the infrastructure of its schools. Decisions are being made on how school infrastructure needs can be adequately met, with a very limited budget. Money spent on infrastructure generally comes from local taxes. While the Century Board of Education is authorized to levy taxes to support its building needs, there are restrictions which severely limit the ability of the board to respond to the emerging infrastructure problems.

It is important to note, in the not-too-distant future, infrastructure problems which currently exist will likely be compounded as our schools built in the 1950's and 1960's begin to wear out. Though age does not necessarily make a building dangerous or obsolete, construction at that time was typically rapid and cheap . . .

Beyond the most urgent health and safety issues, there is increasing concern about the need for . . . infrastructure that can support educational reform and desired innovations, infrastructure conditions that can accommodate the integration of technology, infrastructure that can be accessed by all students regardless of disability, schools that can be used primarily for education but for other community purposes as well, and schools that can serve as safe havens protected from society's violence.

In summary, the Century Board of Education is standing tall, providing the best opportunities for the children of the district to attend school in an environment that is physically safe and conducive to learning. We are being held accountable and are willing to take responsibility to address the deterioration of our school buildings. As well as the growing need for new construction. However, we need your help to fight on for federal dollars to continue the process.

Please fight for our district, our community, our children, the hopes and dreams of all. Please continue to fight for all the children who attend inequitable and inadequate infrastructures, exacerbated by government red tape and broken promises.

Sincerely,

LAWRENCE NAEGER,
Superintendent.

Mr. President, I just want to point out as my time runs out here, the time really has come for all of us in government at all levels, at the local, State, and the Federal Government, to cooperate, to stop pointing fingers at each other, stop pointing fingers at the local school officials or the State education officials or the township supervisors and, instead, form a partnership among all levels of government to address this critical problem.

I urge my colleagues to take a look at the conditions of schools in their own States and to consider the implications of crumbling schools for our children, for our country, for our future, and for the character of our Nation. That was the point that Dr. Franklin made on Monday. That is the point that I wanted to bring to the Senate's attention this afternoon.

I am hopeful that, as we go through the rest of this legislative session, we can come up with innovative approaches to help States and local communities and local governments, such as represented by the letter I read, respond to their concern and need and interest in providing quality educational opportunities for all of America's children.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 927

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent for 5 minutes of time in favor of Mrs. FEINSTEIN's amendment.

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

Mr. FAIRCLOTH. Mr. President, I rise in strong support of Senator FEINSTEIN's amendment. I am pleased to be an original cosponsor of this amendment.

In May of this year, Senator FEINSTEIN introduced this bill, S. 726. The bill creates a new stamp that costs 1 cent more than whatever the regular price stamp might be. The additional revenue is to be used to directly fund research efforts for breast cancer.

As I am sure we all know, breast cancer is the leading cause of death for women between the ages of 15 and 54. There are 2.6 million women today in America with breast cancer and an estimated 1 million are yet to be diagnosed. If only 10 percent of the first-class stamps use the option for an additional penny—currently it would be a 33-cent stamp, but that might change—but, if only 10 percent use the option of an additional penny above, $60 million would be raised for breast cancer annually. This would represent a 10 percent increase in the research funds available for this disease that is devastating so much of our population.

I frankly believe the idea will be popular and will generate even greater funding than we anticipate. It is used pretty much around the world, except in Britain and the United States, this method of raising money for worthwhile causes.

In my opinion, the new stamp provides a great opportunity to increase the research, and the proceeds come directly from the American people on a voluntary basis, not from tax money. Some have questioned what kind of precedent we are setting. I think the answer is that it is none. It is going to require an act of Congress and the support of the American people. If the program is successful, I suppose there will be people attempting to emulate it, but that is a decision for Congress to make at the time and on the issue involved. As I said, it is not a novel approach; it has been used around the world before this.

Further, I think the people who do not think this will be popular are absolutely wrong. This measure, I think, will be extremely popular. It will raise a lot of money. I have discussed it with numerous people, and all have told me that they felt it was a worthwhile idea and would be worthwhile. I thank Senator FEINSTEIN for introducing the amendment.

I think the Senate needs to go on record in favor of this and let the American people decide if it is going to succeed or not. If it does, we know we will have been right. If it does not succeed, we will not have set a precedent for other stamps. But first and foremost, it is an idea well worth trying, and I think we need to give it an opportunity.

I am aware that the post office has concerns. But every day I read the post office wants to expand its line of business. Every day, they are going into new business, new things, and to these I do not object. But I just noticed the other day they were selling neckties in the post office. I don't see why, with the vast new interest and new things they are going into, they could possibly have a problem with printing this new stamp. The cost of the stamp for distribution will be taken out before any money becomes available for research. This idea is merely a logical extension of selling stamps. I strongly urge Members to support it and urge you to vote for the Feinstein amendment.

I thank the Chair and I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I ask that I be yielded about 7 minutes.

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

Mr. STEVENS. Mr. President, this is not an easy task to appear in opposition to this amendment. It is not easy for me personally, because I am a survivor of prostate cancer. I come from a family where my oldest brother, my father and my grandfather and my mother all died prematurely of cancer, and I thankfully just received word today that my younger brother has now survived prostate cancer.

The question before the Senate is not cancer. The question before the Senate is how to raise money for cancer research. I have strongly urged that this amendment not come before the Senate, because we reformed the postal system and made it an independent entity. It has evolved from the old Post Office Department, where a member of the Postal Service, the Postmaster General, was a member of the President's Cabinet, to one that is run, basically, by a board of governors with a Postmaster General that is appointed by that board of governors, and we have not issued a stamp in Congress since 1978.

There is no power in the Congress to do what this amendment asks. The power under existing law was given to the Board of Governors, the Postal Service, and the Postal Rate Commission. As a matter of fact, the Postal Service does not have the authority to issue a stamp and charge more than that established by law by the Postal Rate Commission.

I refer the Senate to section 3622 of title 39 which specifically says that the cost for the stamps must be established through the postal rate procedure.

This comes at a time when all I can say is this is plainly wrong, and I have urged the sponsors to remember what they are doing. If we have this stamp—and it looked nice. I saw it beside the Senator from California on C-SPAN. But we have AIDS problems, we have prostate cancer problems, we have problems raising money for the Boy Scouts and the Girl Scouts and the community programs to raise money for all sorts of problems.

They have real trouble raising money, but, Mr. President, I started the concept of putting up defense money for cancer research for breast cancer at $25 million from the defense funds, and I have just urged the Senate to pass a bill from the subcommittee I chair, Defense Appropriations. It has in it $175 million for breast cancer research, specifically earmarked for breast cancer research.

This stamp, if it is issued, if it sold as many as the famous stamp—I think it was the Elvis stamp was the one that sold more than any stamp in history, a penny from each one of the Elvis stamps would bring in $1 million. So what we are seeing is a public relations campaign by people who want credit for being for cancer research, but it is really not an effective fundraising mechanism.

I urge them to use a process like we did for selling savings bonds, to have the Postal Service sell cancer stamps that would go into booklets. You can have one for breast cancer, one for prostate cancer, one for just the general National Institute of Cancer. But you buy the book, put them in a booklet, and when you get $25 worth, you get a $25 bond. If you do that, you would make $1 out of every $20 that came in. If this stamp becomes approved, they get 1 out of every 35 cents. In other words, $1 out of every $35, but the cost of raising this is horrendous for the Postal Service. A person who wants to buy one of these stamps will go to a window and say, ''We want 100 breast cancer stamps.''

''We don't have that. We have one that shows Jimmy Doolittle or one that shows World War II stamps, but we are out of those.'' This is not an effective way to sell stamps is what I am saying.

It is true that there are stamp collectors, and on a one-time basis, as the Elvis stamp showed, a lot of people buy them just for collection, but I have to tell you, that is a one-time thing, but it is not a one-time thing for the Postal Service. It is plainly wrong, because its job is to deliver the mail. It is paid for by the ratepayers. The taxpayers do not support the Postal Service any longer.

The Board of Governors is on record against this. The Postal Service is against it. We have seen that this has been done.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator has used 7 minutes.

Mr. STEVENS. I will take 2 more minutes, if I may, and then I will quiet down.

Canada issued a semipostal, that is what they call this, a semipostal stamp, to support literacy. It was a surcharge of 5 cent per stamp, and it raised $252,000 net. This is not an effective way to raise money for breast cancer. We have shown these people how to raise more money for breast cancer, how to improve breast cancer research. I want to work with them, but I tell the Senate that this is not the way to do it.

I ask unanimous consent to have printed in the RECORD a letter that I received today from the Postal Service, from the Postmaster General, where he states that the Postal Service strongly

opposes this amendment and states that it would be inappropriate for the Postal Service to raise revenue for purposes other than maintenance of the delivery system.

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

U.S. POSTAL SERVICE,
Washington, DC, July 17, 1997.

Hon. TED STEVENS,
U.S. Senate, Washington, DC.

DEAR SENATOR STEVENS: I am writing to express concern about an amendment that was offered and then withdrawn at the full Committee markup of the Treasury, Postal, and General Government appropriations bill on July 15. The amendment would require the Postal Service to issue a special postage stamp to help fund breast cancer research. This hybrid stamp, called a semipostal, would sell for one-cent above the Basic First-Class letter rate, with most of the one-cent differential going to breast cancer research.

The Postal Service strongly opposes this amendment. Our basic function today remains the same as it has been for over 200 years—universal mail service throughout the nation. We believe it would be inappropriate for the Postal Service to raise revenue for purposes other than the maintenance of a national mail delivery system.

This proposed amendment would set a precedent which would open the floodgates for all worthy social causes. In very short order, the Postal Service would find itself devoting considerable time and expense as a fund raiser. That is not our role, and we do not think it should be.

We understand this semipostal amendment will again be offered on the Senate floor today, and would appreciate your support in rejecting the idea.

Best regards,

MARVIN RUNYON,
Postmaster General, CEO.

Mr. STEVENS. Mr. President, I say the same thing, you cannot limit this process to one concept of a breast-cancer concept. It will lead to Congress getting back into the micromanagement of the Postal Service. It is plainly wrong, and it should not become law. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. What happens to the time limits?

The PRESIDING OFFICER. The time will be suspended.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

AMENDMENT NO. 929

(Purpose: To limit the use of funds to provide for Federal agencies to furnish commercially available property or services to other Federal agencies)

Mr. THOMAS. Mr. President, I call up amendment No. 929 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for himself, Mr. ENZI and Mr. BROWNBACK, proposes an amendment numbered 929.

Mr. THOMAS. 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:

At the appropriate place in the bill, insert the following new section and renumber any following sections accordingly:

SEC. . LIMITATION ON THE USE OF FUNDS TO PROVIDE FOR FEDERAL AGENCIES TO FURNISH COMMERCIALLY AVAILABLE PROPERTY OR SERVICES TO OTHER FEDERAL AGENCIES.

(a) Except as provided in subsection (b), none of the funds appropriated by this or any other Act may be used by the Office of Management and Budget, or any other agency, to publish, promulgate, or enforce any policy, regulation, or circular, or any rule or authority in any other form, that would permit any Federal agency to provide a commercially available property or service to any other department or agency of government unless the policy, regulation, circular, or other rule or authority meets the requirements prescribed under subsection (b).

(b)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations applicable to any policy regulation, circular, or other rule or authority referred to in subsection (a).

(2) The requirements prescribed under paragraph (1) shall include the following:

(A) a requirement for a comparison between the cost of providing the property or service concerned through the agency concerned and the cost of providing such property or service through the private sector;

(B) a requirement for cost and performance benchmarks relating to the property or service provided relative to comparable services provided by other government agencies and contractors in order to permit effective oversight of the cost and provision of such property or service by the agency concerned or the Office of Management and Budget; and

(C) the regulation would not apply to contingency operations associated with national security or a national emergency.

Mr. THOMAS. Mr. President, I also ask unanimous consent that Senator ENZI and Senator BROWNBACK be added as cosponsors.

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

Mr. THOMAS. Mr. President, I bring to the floor and to this bill an amendment which was offered last year and adopted by a bipartisan vote of 59 to 39 but was trimmed out of the omnibus appropriations bill. It has to do with the question of the Federal Government competing unfairly with private firms; agencies performing commercial, rather than inherently governmental, activities for other agencies. My amendment requires Federal agencies to demonstrate that they can perform more efficiently and effectively than the private sector before providing commercially available goods and services to other agencies.

It has been the Federal Government's policy for over 40 years that it should not compete with the private sector. In fact, the Government should rely on the private sector to supply commercially available goods and services. However, this policy is too often ignored.

For example, the Defense Science Board calculates that out of 850,000 full-time positions needed to provide commercial services for the military, 640,000 are held by Federal employees instead of private sector contractors.

The Clinton administration has taken this situation one step further. Last year, OMB came out with a policy that grandfathers existing interservice support agreements from cost-comparison requirements. This change permits one Federal agency to provide goods and services to another agency regardless of cost or performance. This new policy gives Federal agencies until October 1997 to go out and recruit business from other agencies without performing a cost comparison and cost analysis. The administration implicitly argues that this entrepreneurial approach to Government will save the taxpayers money.

However, if they don't do a cost comparison, how do they know it saves money? Some examples of existing interservice support agreements are aerial photography, mapping services, laboratory services, printing services, all of which are often provided more efficiently and more cost-effectively in the private sector.

For example, in Jacksonville, FL, the Navy Public Works Division recently completed a state-of-the-art environmental lab to provide routine hazardous waste characterizations. These services are already available in the private sector, and the Navy intends to offer their services to other agencies.

In Alaska last year, the State struggled to contain a large wildfire. The CIA provided needed mapping and satellite imagery. A private company was available to do the work, but they were never asked.

These are just a few of the examples of direct Government competition with the private sector without a cost comparison.

I want to emphasize that I am not insisting that the Federal Government use the private sector. It simply needs to compare public and private sector production to ensure the American taxpayer gets the best value goods and services, the most bang for their buck.

Encouraging the Federal Government to compete with the private sector is philosophically wrong. Almost all of us stand up here day after day and talk about let's have less Government, reduce the size of Government, reduce the cost of Government, strengthen the private sector and, yet, continually allow this to go on. It is philosophically wrong. It hurts small business.

In fact, the three White House Conferences on Small Business rate this as a top concern, the ability to compete for public contracts.

Unfair Government competition with the private sector costs the taxpayers money. Numerous studies have shown that outsourcing can save the Government up to $30 billion annually. It also

circumvents the appropriations process. If an agency can do work for another agency, it is likely that its resources and employees are larger than it needs to be and needs to be cut back. On the other hand, if an agency's appropriation is cut, it recruits business. That also circumvents the appropriations' process and the idea of focusing on priorities.

Most of all, the policy is contrary to current law. This policy is merely a rule from the OMB supplemental handbook A–76. But it violates the Economy Act, which specifically states that one agency can provide goods and services to another agency only when a commercial enterprise cannot provide the goods and services as conveniently or as cheaply. In other words, you do have to do a cost comparison.

I think this is an unbelievable policy for a President that has said, ''The era of big Government is over,'' and then to turn around and implement a policy of this kind, which does not even provide for a cost comparison. This policy is another example of the administration expanding Government, not reinventing it.

I recently introduced a bill, S. 314, which is called the Freedom From Government Competition Act, which addresses Government competition with the private sector. It encourages outsourcing and utilizing private sector capability. It provides exemptions for national security, inherently governmental functions, situations where the Government can provide better value goods and services, and when private sector capability is inadequate. I want to stress that this amendment addresses functions that are commercial activities within the Government. We need to take some action now to implement the rules and the policy that has been in place for 40 years but have not been followed.

My amendment is exactly the same as that which the Senate passed last year. It merely reaffirms existing law and prohibits one agency providing commercial goods and services for another unless a comparison is done. More oversight of this problem is needed.

This amendment will create private sector jobs, help small business, save taxpayer dollars, make the Government smaller and more efficient. That is a great idea.

My bottom line is, I want the Government to cost less and be more effective. Most people here do. My amendment will ensure that. I urge my colleagues to join me in supporting this commonsense, good-Government, protaxpayer reform.

Mr. President, I ask now for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. THOMAS. I will come back later and ask for the yeas and nays.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on amendment No. 929 offered by the Senator from Wyoming?

Mr. THOMAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

VOTE ON AMENDMENT NO. 927

Mr. CAMPBELL. Mr. President, I ask for the regular order concerning the Feinstein amendment. We yield back all remaining time and ask for the yeas and nays.

Mr. KOHL. On behalf of the minority and Senator FEINSTEIN, we yield back our remaining time also.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time is yielded back. The question now occurs on agreeing to amendment No. 927. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 83, nays 17, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—83

Abraham	Enzi	Lott
Akaka	Faircloth	Lugar
Ashcroft	Feingold	Mack
Baucus	Feinstein	McCain
Bennett	Ford	McConnell
Biden	Frist	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Gramm	Moynihan
Breaux	Grams	Murkowski
Brownback	Grassley	Murray
Bryan	Gregg	Reed
Burns	Harkin	Reid
Byrd	Hatch	Robb
Campbell	Helms	Roberts
Chafee	Hutchinson	Rockefeller
Cleland	Hutchison	Roth
Coats	Jeffords	Santorum
Collins	Johnson	Sarbanes
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Thomas
Daschle	Kohl	Thurmond
DeWine	Kyl	Torricelli
Dodd	Landrieu	Warner
Domenici	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Lieberman	

NAYS—17

Allard	Hagel	Sessions
Bingaman	Hollings	Shelby
Bumpers	Inhofe	Smith (NH)
Cochran	Inouye	Stevens
Glenn	Levin	Thompson
Gorton	Nickles	

The amendment (No. 927) was agreed to.

The PRESIDING OFFICER (Mr. HAGEL). The question now occurs on amendment No. 929 offered by the Senator from Wyoming.

The yeas and nays have been ordered. Is there further debate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that my detailee from the Justice Department, Joel Christie, have floor privileges during the debate on the nomination later today of Joel Klein, and for any other Judiciary Committee matter on the floor this Congress.

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

Mr. KOHL. I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that Bob Simon and Dan Alpert, legislative fellows in the office of Senator BINGAMAN, be granted floor privileges during the pendency of this bill.

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

UNANIMOUS-CONSENT REQUEST

Mr. CAMPBELL. Mr. President, we have been here 5 hours now, and we have encouraged our colleagues to get their amendments filed and come down to the floor. A number of Senators have.

After consultations with the majority leader and minority leader and Senator KOHL, I ask unanimous consent that the following amendments be in order and that no others be accepted after these that I will read:

Senator COLLINS, on Treasury inspector general; Senator GRASSLEY, on P–3 hangar; Senator CHAFEE, on a relevant amendment on health benefits; Senator HUTCHINSON, on Federal Acquisition Streamlining Act; Senator COVERDELL, on a relevant amendment; Senator HUTCHISON, on NAFTA; Senator THOMAS, on Federal procurement; Senator DASCHLE, on IRS; Senator HATCH, on judges' pay; Senator FAIRCLOTH, on computer games; Senator GRAHAM on HIDTAS; Senator KOHL on fire arms traffic initiatives; Senator CLELAND, on National drug campaign; and the managers amendment itself.

The PRESIDING OFFICER. Is there objection?

Mr. KOHL. Mr. President, I request—temporarily, I hope —of Senator CAMPBELL that we don't act on this at this time.

Mr. HATCH. Reserving the right to object, Mr. President, will the distinguished Senator from Colorado be willing to add a Hatch amendment on national media campaign?

Mr. CAMPBELL. National media campaign?

Mr. HATCH. Yes, in addition to the judges' compensation.

Mr. CAMPBELL. We will add that. But at the present time, the minority leader has informed me there are two or three others that are just right on the verge of offering their amendments. So I withhold my unanimous-consent request at the present time.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 930

(Purpose: To establish the procedure for adjusting future compensation of justices and judges of the United States)

Mr. HATCH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment numbered 929 will be set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself, Mr. LEAHY, Mr. DURBIN, and Mr. KOHL, proposes an amendment numbered 930.

Mr. HATCH. 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, insert the following:

SEC. . JUDICIAL SALARIES.

(a) JUDICIAL COST-OF-LIVING ADJUSTMENTS.—Section 461(a) of title 28, United States Code, is amended to read as follows:

''(a) Effective on the same date that the rates of basic pay under the General Schedule are adjusted pursuant to section 5303 of title 5, each salary rate which is subject to adjustment under this section shall be adjusted by the same percentage amount as provided for under section 5303 of title 5, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100).''.

(b) AUTOMATIC ADJUSTMENTS WITHOUT CONGRESSIONAL ACTION.—Section 140 of the resolution entitled ''A Joint Resolution making further continuing appropriations for the fiscal year 1982, and for other purposes.'', approved December 15, 1981 (Public Law 97–92; 95 Stat. 1200; 28 U.S.C. 461 note) is repealed.

Mr. HATCH. Mr. President, my amendment delinks judges' salaries from our salary problem, because it is unbelievable how terrible it is in many parts of this country that judges do not have an annual COLA. That is what this will grant them.

Mr. President, I am offering an amendment to establish a procedure for future cost-of-living increases in judicial compensation. This legislation is a portion of a legislative proposal prepared by the Administrative Office of the U.S. Courts, and which I introduced by request as S. 394 earlier this Congress.

Under current law, salaries for Federal judges are currently linked to congressional and Executive Schedule salaries, so that Federal judges cannot receive cost-of-living adjustments [COLA's] unless Members of Congress and employees on the Executive Schedule receive the same COLA. As a consequence, Federal judges have not received a cost-of-living salary adjustment since January 1994. This amendment would amend section 461 of title 28 to end the current linkage between the judicial, congressional and Executive Schedule compensation. Instead, judicial salaries would be adjusted automatically on an annual basis, in the same percentage amount as the rate of pay of Federal employees under the General Schedule. In addition, the amendment would repeal section 140 of Public Law No. 97–92, thereby removing the current requirement that Congress affirmatively vote for cost-of-living increases for Federal judges.

Not included in my amendment is language, originally proposed by the Administrative Office and introduced as part of S. 394 earlier this Congress, which would give a one-time salary increase to Federal judges. I do believe this separate, one-time salary increase warrants serious consideration by this body, although not necessarily as part of the second degree amendment I am presently offering.

If we are to attract and retain the most capable lawyers to serve as Federal judges, it is vitally important that we ensure that those responsible for the effective functioning of the judicial branch receive fair compensation, including reasonable adjustments which allow judicial salaries to keep pace with increases in the cost of living. As Chief Justice Rehnquist stated in his ''1996 Year-End Report on the Federal Judiciary,'' ''We must insure that judges, who make a lifetime commitment to public service are able to plan their financial futures based on reasonable expectations.'' This amendment, which I am offering at the request of the Judicial Conference, proposes changes viewed by the Judicial Conference as advancing this objective—an objective with which I believe most Senators would agree.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 930) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 929, AS MODIFIED

Mr. THOMAS. Mr. President, I send to the desk a modification to amendment 929.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 929), as modified, is as follows:

At the appropriate place in the bill, insert the following new section and renumber any following sections accordingly:

SEC. . LIMITATION ON THE USE OF FUNDS TO PROVIDE FOR FEDERAL AGENCIES TO FURNISH COMMERCIALLY AVAILABLE PROPERTY OR SERVICES TO OTHER FEDERAL AGENCIES.

(a) Except as provided in subsection (b), none of the funds appropriated by this or any other Act may be used by the Office of Management and Budget, or any other agency, to publish, promulgate, or enforce any policy, regulation, or circular, or any rule or authority in any other form, that would permit any Federal agency to provide a commercially available property or service to any other department or agency of government unless the policy, regulation, circular, or other rule or authority meets the requirements prescribed under subsection (b).

(b)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations applicable to any policy regulation, circular, or other rule or authority referred to in subsection (a).

(2) The requirements prescribed under paragraph (1) shall include the following:

(A) a requirement for a comparison between the cost of providing the property or service concerned through the agency concerned and the cost of providing such property or service through the private sector;

(B) a requirement for cost and performance benchmarks relating to the property or service provided relative to comparable services provided by other government agencies and contractors in order to permit effective oversight of the cost and provision of such property or service by the agency concerned or the Office of Management and Budget; and

(C) the regulation would not apply to contingency operations associated with national security or a national emergency.

(D) the regulation would not apply if the goods are to be produced or services are to be performed by a private sector source at a government owned facility that is operated by the private sector source.

Mr. THOMAS. Mr. President, I ask unanimous consent that Senator HAGEL be added as a sponsor of the amendment.

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

Mr. THOMAS. I thank the Chair.

I 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.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate now resume consideration of amendment No. 929 by Senator THOMAS and ask that the yeas and nays be vitiated.

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

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 929), as modified, 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 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, I ask unanimous consent that the following be the only remaining first-degree amendments other than the pending amendments and that they be subject to relevant second-degree amendments. They are an amendment by Senator FAIRCLOTH, two by Senator HUTCHISON, three amendments by Senator COVERDELL, one by Senator ABRAHAM, one by Senator DEWINE, one by Senator CHAFEE, one by Senator COLLINS, one by Senator GRASSLEY, one by Senator HATCH, one by Senator DASCHLE, one by Senators LOTT and DASCHLE, one by Senator CLELAND, one managers' amendment, one by Senator KOHL, one by Senator GRAHAM of Florida, one by Senator BINGAMAN, one by Senator DODD, and two by Senator FEINSTEIN.

I further ask that following the disposition of the above-listed amendments, the bill be advanced to third reading and final passage occur, and when the Senate receives the House companion bill, all after the enacting clause be stricken and the text of the Senate bill be inserted, the bill be advanced to third reading and passed, and the Senate insist on its amendments and request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 931

(Purpose: To amend the Federal Election Campaign Act)

Mr. CAMPBELL. Mr. President, I now send an amendment to the desk on behalf of the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Colorado [Mr. CAMPBELL], for Mr. LOTT, for himself and Mr. DASCHLE, proposes an amendment numbered 931.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the amendment not be read at length.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Section 302(g)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(1)) is amended—

(1) by striking ''and'' after ''Senator,''; and

(2) by inserting after ''candidate,'' the following: ''and by the Republican and Democratic Senatorial Campaign Committees''.

Mr. CAMPBELL. I ask the Senate adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 931) 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. I suggest the absence of a quorum, Mr. President.

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.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that when the House companion measure is passed by the Senate, pursuant to the previous order, that the passage of S. 1023 be vitiated and that S. 1023 be indefinitely postponed.

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

UNANIMOUS-CONSENT AGREEMENT—NOMINATIONS OF JOEL I. KLEIN AND ERIC H. HOLDER, JR.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate stand in recess until 5 p.m., and at 5 p.m., the Senate proceed to executive session for the consideration of the nomination of Joel Klein, with the previous time limitations.

I further ask unanimous consent that immediately following the vote on the Klein nomination, the Senate proceed to a vote on calendar No. 139, the nomination of Eric Holder.

I further ask unanimous consent that, immediately following the vote on the Holder nomination, the motions to reconsider be laid upon the table; that any statements relating to either of these nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS UNTIL 5 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 5 p.m.

Thereupon, at 4:49 p.m., the Senate recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. COLLINS].

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session.

NOMINATION OF JOEL I. KLEIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL

The bill clerk read the nomination of Joel I. Klein, of the District of Columbia, to be an Assistant Attorney General.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HATCH. Madam President, I would like to comment just briefly here on the nomination of Mr. Joel Klein, who has been nominated for the position of Assistant Attorney General of the Antitrust Division of the Department of Justice.

Last Friday, I spoke on this floor in support of Mr. Klein and urged my colleagues to support his nomination. I certainly continue wholeheartedly to support Mr. Joel Klein. And I continue to urge my colleagues to join me.

I will not repeat today all that I had to say last week on Mr. Klein's behalf, but I would like to reiterate that support and have my statement from last Friday printed in the RECORD. I ask unanimous consent to have that statement printed in the RECORD.