

By authorizing the concurrent receipt of military retired pay and VA disability compensation now, we are one step closer to repealing the offset once and for all. Next year, I will be working with my colleagues to secure the enactment of legislation to fund the concurrent receipt of military retired pay and VA disability compensation.

Each of the thousands of disabled military retirees answered when America called. Now it's time for America to answer their call.

I urge my colleagues to support S. 1438.

Mr. GREEN of Wisconsin. Mr. Speaker, I rise today in support of the conference report on S. 1438, the Department of Defense Authorization bill for fiscal year 2002. This is a good bill, one that addresses the critical needs of our military as we engaged in the war against terrorism. S. 1438 also contains a provision allowing the transfer of an old, unused Army Reserve Center in Kewaunee, WI to the city. This transfer will allow the property to be put to good use by the City of Kewaunee instead sitting dormant and a benefit to no one.

While S. 1438 is a good bill, it is not a perfect bill. The one glaring imperfection in the bill is a provision that fundamentally alters a Department of Justice program known as the Federal Prison Industries, or FPI.

Language in S. 1438 would basically exempt the Department of Defense from the mandatory-source preference of the FPI program. Eliminating mandatory-source preference for DoD means that approximately 60% of FPI's business will be lost. Obviously, this would dramatically undermine FPI.

I will not delve into a full explanation or defense of the program here. Frankly, debate over FPI should not even take place within the context of a defense bill. Debate over FPI has always been spirited. However, it is a debate that I welcome and one that I expected to participate in as a member of the Judiciary Committee. But that right has been denied to me and my fellow Judiciary Committee members.

I appreciate and thank Chairman STUMP for his efforts to work with me on this issue. His indulgence over last couple of months was more than I could have asked for. Unfortunately, the die was cast on this issue, and we were unable to remove this language.

As I stated, FPI is a Justice Department program. I, along with many of my colleagues on the Judiciary Committee, feel very strongly that our committee should review any change to the FPI program. Sadly, the most dramatic reforms to FPI in its history will occur without the input of just about every member of the Judiciary Committee.

Mr. Speaker, I am including, for the record, a copy of a memorandum from the chief operating officer of FPI and a letter from the Justice Department. The FPI memo details the destructive effects the language in S. 1438 is already having on the program. In the DoJ letter, the department clearly states its strong opposition to this language. I request that both items be made a part of the RECORD.

U.S. DEPARTMENT OF JUSTICE,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, November 30, 2001.

Hon. MARK GREEN,  
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN GREEN: This is in response to your letter of November 26, 2001 regarding Section 821 of the Fiscal Year 2002 Defense Authorization Bill. The Department of Justice agrees with your concerns regard-

ing Section 821. Indeed, the Department has been actively engaged in educating Congressional Members on this important issue. On September 25, 2001 we sent a letter to the Senate Leadership and Senate Judiciary Committee and, on November 13, 2001, a letter to all Defense Authorization Conferees about our significant concerns regarding the effect of Section 821 upon Federal Prison Industries (FPI). As you point out in your letter, the bill as drafted fails to recognize the contribution of this important correctional program to the safe and effective administration of Federal prisons, and as a tool for reducing recidivism by preparing inmates to lead productive, law abiding lives upon their return to society.

While our continued efforts have met with little success, we remain in support of removal of Section 821 from the Conference Report. Moreover, we believe that any future consideration of FPI reform should be the purview of the House and Senate Judiciary Committees, the committees with jurisdiction over Department of Justice programs.

If you have any questions or if we may provide you further information, please feel free to contact the Department.

Sincerely,

DANIEL J. BRYANT,  
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF PRISONS,  
Washington, DC, November 26, 2001.

Memorandum for Kathleen Hawk Sawyer,  
Director Federal Bureau of Prisons & Chief  
Executive Officer of Federal Prison Industries

From: Steve Schwalb, Chief Operating Officer  
Federal Prison Industries

I am writing to advise you of the initial effects of the Defense Authorization language on FPI recently adopted by the Senate.

Even though the final language, as of this date, has not been adopted by the conferees, numerous customers report to us that they have received calls, e-mails, faxes and personal visits from office furniture vendors and their dealers on this legislative language. Our customers report being told, "FPI's mandatory source has been eliminated", "federal agencies no longer have to buy from FPI", and that "customers can now buy directly from commercial vendors without considering FPI."

Several customers have also forwarded to us e-mails from the furniture coalition and/or company members thereof, in which they indicate their intent to influence the conferees to "strengthen" the Senate adopted language to include all agencies, not just the Department of Defense.

The result has been that many of our customers now feel, mistakenly, that changes are already in effect and that procedures for buying from or considering products offered by FPI have been altered. Several customers have indicated that they are going to hold up on making any purchase decisions while they get more information that address their confusion.

This is only the beginning of what we can expect to be an aggressive, and often inaccurate, campaign by the private sector to confuse, persuade or otherwise present to our customers information which puts us and our products in the worst light possible. As you know, all the big furniture companies have previously provided extensive training to their commercial sales staff on how to write, for the federal customers, waiver requests to FPI, so as to specify those commercial company's unique product features as "must have" items, thereby justifying a waiver from FPI's mandatory source. If language regarding purchases from FPI is adopted into final legislation, there is no

doubt that we will see the efforts by the furniture companies intensify.

The results of these initial efforts have been the suspension or delay of some orders and the placement of other orders directly with the private sector without customers following the requirement to contact FPI first to see if our products will meet their needs. Although it is too early to accurately quantify the effects, there is no doubt that we will see a significant decline in future office furniture orders. Since DOD represents 65% of our furniture sales, a significant reduction in orders from DoD will have devastating consequences for us. Depending on how significant the decline is, it undoubtedly will affect our ability to support the capacity we currently have and will cause us to reduce our staff and inmate employment in several of our furniture factories. In turn, this will also affect our raw material purchases from the numerous vendors we rely on for our production.

We will continue to monitor the situation as it develops and keep you advised.

Mr. STUMP. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STUMP. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 40, not voting 11, as follows:

[Roll No. 496]

YEAS—382

Abercrombie	Brady (TX)	Cunningham
Ackerman	Brown (FL)	Davis (CA)
Aderholt	Brown (SC)	Davis (FL)
Akin	Bryant	Davis (IL)
Andrews	Burr	Davis, Tom
Armey	Burton	Deal
Baca	Buyer	DeGette
Bachus	Callahan	DeLauro
Baird	Calvert	DeLay
Baker	Camp	DeMint
Baldwin	Cannon	Deutsch
Ballenger	Cantor	Diaz-Balart
Barcia	Capito	Dicks
Barr	Capps	Dingell
Barrett	Capuano	Doggett
Bartlett	Cardin	Dooley
Barton	Carson (IN)	Doolittle
Bass	Carson (OK)	Doyle
Becerra	Castle	Dreier
Bentsen	Chabot	Duncan
Bereuter	Chambliss	Dunn
Berkley	Clay	Edwards
Berman	Clayton	Ehlers
Berry	Clement	Ehrlich
Biggart	Clyburn	Emerson
Billirakis	Coble	Engel
Bishop	Collins	Eshoo
Blagojevich	Combest	Etheridge
Blunt	Condit	Evans
Boehlert	Cooksey	Everett
Boehner	Costello	Farr
Bonilla	Cox	Fattah
Bonior	Coyne	Ferguson
Bono	Cramer	Flake
Boozman	Crane	Fletcher
Borski	Crenshaw	Foley
Boswell	Crowley	Ford
Boucher	Culberson	Fossella
Brady (PA)	Cummings	Frelinghuysen