

reform legislation that we should consider in the Judiciary Committee is currently pending there.

I agree that it is time to move away from the mandatory source preference that FPI has in the Federal market. However, we must do so in a reasoned, comprehensive way that creates more opportunities, not less.

Senator HATCH and I have introduced a bill that is pending in the Judiciary Committee which would eliminate the mandatory source in a way that would not endanger FPI. Our legislation, S. 1228, would give private businesses the opportunity to partner with FPI to make products in the private sector.

Most importantly, it would permit prisoners to make products for private companies that otherwise would be made overseas, such as electronic toys and televisions. This has the potential to return jobs to America that have been lost to foreign labor. FPI already purchases over \$400 million per year in raw materials and equipment from United States companies, most of which comes from small businesses. This bill would expand those opportunities for private industry.

Also, under S. 1228, when inmates made products in the domestic market, they would earn comparable locality wages. Additional money that they earned would be used to pay restitution, child support, and a portion of their room and board costs. This would be in addition to the millions of dollars that FPI inmates already contribute annually to their families and to crime victims. I think we should make FPI a partner with the private sector as part of a comprehensive solution to this long-standing issue.

Any argument about forced labor, whether in FPI today or in this bill, has absolutely no merit. FPI is a program that inmates volunteer to participate in, and S. 1228 would require that participation be voluntary. Also, the facilities would comply with standards established by OSHA, the International Labor Organization, and the American Correctional Association.

I am prepared to work with all interested parties to help resolve this matter once and for all. However, the Defense Authorization Act is not the right place and section 821 is clearly not the right approach to reforming Prison Industries. With the recent terrorist attack, many want to limit the Defense authorization bill to our military and national security needs. This bill certainly should not be used to interfere in the orderly operation of Federal prisons. Thus, I encourage my colleagues to support this important amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, do I have any time remaining?

The PRESIDING OFFICER. There is no time remaining.

Mr. LEVIN. I ask unanimous consent for an additional 2 minutes.

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

Mr. LEVIN. Madam President, if the Senator from Texas wants to offer an amendment to modify the Davis-Bacon law to accomplish what he talked about, he ought to offer it. Nobody offered it in committee, but the Senator from Texas is free to offer it.

What troubles me is we have a bill which is of critical significance to the Armed Forces of the United States. We have pay increases in the bill. We have housing allowances. What the Senator from Texas is saying is, unless he gets his way on this issue, he is not going to allow that bill to go forward. It seems to me that is wrong, and that is the problem. That is what has caused this particular situation.

That is the only reason the Senator from Virginia obviously offered the amendment and moved to table it, to see whether or not there is support for the position of the Senator from Texas. If the Senator from Texas prevails on his position, fine. If he does not prevail on his position, this bill is too important, has too much in it that matters to the security of this country, to be held up by one Senator who insists he is going to get his way even if the majority of the Senate disagrees with him. That is what the issue is. It seems to me that is the overriding issue.

Back to competition, if the Senator from Texas believes there should be an amendment that would modify Davis-Bacon, I would urge him to offer that. Let us debate it. Let us vote it, but let us not hold up the Defense bill as his position would.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I ask unanimous consent that the request of the Defense Department that they have the right to engage in competitive bidding on contracts of less than a million dollars be accepted.

Mr. LEVIN. I object. I have said very clearly that the Senator should offer the amendment if he wants to do so. Send the amendment to the desk. Let's debate that amendment. Win or lose, modify Davis-Bacon if he wishes. Send an amendment to the desk. We will debate it. But what I object to is holding up the Defense bill on this ground. We do not do this by unanimous consent.

Mr. GRAMM. Not to keep dragging this dead cat back across the table, but I am not asking for any special privilege. I wanted to offer my own amendment, which someone else offered. The Senator can deal with his bill as he chooses. I have been a private in the Army, but I believe I am a private in the right. I want this issue to be heard, and I want to debate it. I don't understand why that is somehow unreasonable.

When people want to pass special interest legislation, they can cloak themselves in the righteousness of the moment. I do not understand why it is

even in this bill. I think, quite frankly, people ought to be embarrassed that it is in this bill.

In any case, I am not asking for any special privilege whatsoever. I want to exercise my right as 1 of 100 Senators. That is all I am doing.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:34 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. DASCHLE. For the interest of all Senators, we will stand in recess immediately following this vote in order to accommodate Senators who wish to attend the briefing that will be held in room 407 this afternoon. That briefing will be to hear the Secretary of State give an update on the current circumstances.

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2002

Mr. DASCHLE. I ask unanimous consent the Senate proceed to the consideration of H.J. Res. 65, a continuing resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 65) making continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be read three times, passed, and the motion to reconsider be laid upon the table.

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

The joint resolution (H.J. Res. 65) was considered read the third time and passed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Virginia, Mr. WARNER, No. 1674.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?