

on the Senate floor last week, FPI will retain advantages such as: paying inmates between \$.23—\$1.15 per hour; not having to pay Social Security or Unemployment compensation; not having to pay for employee benefits; exemption from paying Federal and State income tax, excise tax, and State and local excise taxes; and utilities being provided by the host prison.

Under this amendment FPI will continue to enjoy these, and other, competitive advantages. In no way does this amendment shut down FPI. In fact, FPI will continue to produce products for DOD contracts because the private sector cannot compete against not having to pay market wages, employee benefits, and Federal and State taxes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the chairman, Senator THOMAS, and the senior Senator from Texas for reconciling differences on an issue which was of great importance to all parties. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 1834) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1805

Mr. DURBIN. Mr. President, last week I offered an amendment that would allow a needed land transfer agreement to take place in North Chicago among the Navy, the Department of Veterans Affairs, and the Finch Medical School.

The managers of this bill accepted my amendment and I thank them for their help. I want to take this opportunity to explain what the amendment does.

The Navy's only boot camp facility is at the Great Lakes Naval Training Center in North Chicago, IL. Its Recruit Training Center area is a very long, thin stretch of land hemmed in by railroad tracks and by land that the Navy transferred to the Department of Veterans Affairs, VA, many years ago. This layout forces recruits to do so much marching simply in the course of moving about the area in a normal day of training that these 19-year-olds have been suffering from overuse injuries.

Both the barracks and the large drilling facilities used by recruits were built hastily during World War II and are in desperate need of replacement. These military construction projects have been endorsed by the Navy and by Congress, but the layout of the Recruit Training Center must be modified before all the buildings needing replacement can be built.

The VA land adjacent to the Recruit Training Center was leased to the

Finch Medical School, which is affiliated with the North Chicago Department of Veterans Affairs Medical Center. The VA also has more land and buildings than it needs for veterans health care delivery today.

The Navy, the VA, and the Finch Medical School have been in negotiations to set up a land swap that would benefit all concerned. The Finch Medical School is amenable to giving up the land on which it carries a 99-year lease so that the Navy can use that land. The VA is willing to transfer the land the medical school has leased for other VA property that the VA no longer needs. I commend all the parties for their willingness to work together, compromise, and find a solution that benefits all parties. The details of this agreement are still being worked out, and a public hearing will be held on it as well.

This amendment simply authorizes the Navy to use up to \$2 million of Operations and Maintenance funds to fulfill its obligations, once a final agreement is reached.

I appreciate the support from the bill's managers on this amendment. The rebuilt Recruit Training Center area will allow a major improvement in the training environment as well as the quality of life for new recruits. This amendment is absolutely necessary for the Navy to carry out the plans for its new Recruit Training Center.

Mr. LEVIN. It is now the understanding that we will recess until 2:15 and that we will be back at that time. We hope to be able to work out a pending amendment or two so we can complete consideration of this bill, hopefully before the briefing which has been scheduled for, I believe, 2:30. It would be our goal that we can use that 15 minutes to resolve these pending amendments, that we can then go to final passage right after the 2:30 briefing. That would be my goal.

Mr. WARNER. Mr. President, I share that goal. After carefully offering opportunity to my colleagues, I understand, if we resolve the matters with Senator ALLARD, that may conclude the amendments. It won't seal them off, but we have made a great deal of progress.

Mr. LEVIN. Senator ALLARD, Senator NELSON of Florida and others, Senator DODD, are working hard to see if we can come up with something which moves in the direction we all want to move in terms of voting rights for our military personnel and that does so in a way that we can protect against any unintended consequences. That is our hope over the lunch period. We will come back at 2:15 with high hopes and, if not, we will have to resolve it in other ways.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:17 p.m. and reassem-

bled when called to order by the Presiding Officer (Mr. CLELAND).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks seated at my desk.

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

Mr. HELMS. I thank the Chair.

Mr. President, parliamentary inquiry, please. Is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 1724

(Purpose: To protect United States military personnel and other elected and appointed officials of the United States government against criminal prosecution by an international criminal court to which the United States is not party)

Mr. HELMS. Mr. President, I call up amendment No. 1724 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. MILLER, Mr. ALLEN, Mr. BOND, Mr. HATCH, and Mr. MURKOWSKI, proposes an amendment numbered 1724.

Mr. HELMS. 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 text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HELMS. Mr. President, I have worked with our colleague from Georgia, Senator MILLER, to craft legislation to protect our soldiers and officials from illegitimate prosecutions by the International Criminal Court. Senator MILLER and I and Senators LOTT, WARNER, HATCH, SHELBY, and MURKOWSKI together introduced the American Service Members Protection Act on May 9 of this year. We have worked since that time with the administration to craft the pending amendment, and the administration favors this amendment quite strongly.

Our soldiers and decisionmakers will be all the more exposed to the risk of illegitimate prosecution as they proceed with "Operation Enduring Freedom," as it has been named, against those who on September 11 committed mass murder against innocent American civilians.

The pending amendment ensures that countries, or overzealous prosecutors and judges, will never be able to use this court to persecute American military personnel carrying out war against terrorism.