

contain the elements described in section 4(b)(3), and should address independent monitoring, the collection of reliable statistics on the diamond trade, and the need for a coordinating body or secretariat to implement the arrangement.

(b) **ADDITIONAL SECURITY COUNCIL RESOLUTIONS.**—It is the sense of Congress that the President should take the necessary steps to seek United Nations Security Council Resolutions with respect to trade in diamonds from additional countries identified under section 7(a)(5).

(c) **TRADE IN LEGITIMATE DIAMONDS.**—It is the sense of Congress that the provisions of this Act should not impede the trade in legitimate diamonds with countries which are working constructively to eliminate trade in conflict diamonds, including through the negotiation of an effective international arrangement to eliminate trade in conflict diamonds.

(d) **IMPLEMENTATION OF EFFECTIVE MEASURES.**—It is the sense of Congress that companies involved in diamond extraction and trade should make financial contributions to countries seeking to implement any effective measures to stop trade in conflict diamonds described in section 4(b), if those countries would have financial difficulty implementing those measures.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the President \$5,000,000 for each of the fiscal years 2002 and 2003 to provide assistance to countries seeking to implement any effective measures to stop trade in conflict diamonds described in section 4(b), if those countries would have financial difficulty implementing those measures.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act.

Mr. DEWINE. Mr. President, today I wish to talk about legislation that Senator DURBIN, Senator FEINGOLD, and I introduce today to address the continued profitable sale of what we refer to as conflict diamonds. We have been working together on this matter for some time, along with our colleagues in the House of Representatives, Congressman TONY HALL from my home State of Ohio and Congressman FRANK WOLF of Virginia.

We have been working to help those in Africa who are suffering at the hands of this illicit diamond trade. Last spring, we introduced a similar bill to put pressure on the international community to implement a global agreement to stem the conflict diamond trade.

While the House passed a weaker version of that bill last November, my Senate colleagues and I have been working with the administration to pass a stronger, more meaningful bill. Unfortunately, these negotiations thus far have not been successful. That is why we join together today in the introduction of a new and even stronger measure: legislation that reflects both trade and humanitarian concerns.

The introduction now is particularly significant, as the international community begins the final session of the Kimberly Process today in Ottawa.

During these negotiations, it is critical that the United States send a strong message to the international community, a message that says we

are committed to these efforts and are fighting for a strong, effective Kimberly agreement.

Mr. President, I believe the United States must take this leadership role so we can get ultimately the strongest possible agreement. That is the message I believe our bill sends today. I will spend a few minutes talking about why this bill is so important and why it is vital we get a strong measure passed and eventually signed into law.

The diamond trade is one of the world's most lucrative industries. With its extreme profitability, it is not surprising a black market trade has emerged alongside the legitimate industry. The sale of illicit diamonds has yielded disturbing reports in the media linking even Osama bin Laden to this trade. On February 22, 2001, the U.S. District Court trial, *United States v. Osama bin Laden*, attests to this.

Additionally, there is an established link between Sierra Leone's diamond trade and well-known Lebanese terrorists.

It is also not surprising that diamond trading has become an attractive and sustainable income source for violent rebel groups around the world, particularly in Africa. The information I am talking about today in regard to terrorists has been reported in the public news media. Currently in Africa, where the majority of the world's diamonds are found, there is ongoing strife and struggle resulting from the fight for control of the precious gems. While violence has erupted in several countries, including Sierra Leone, Angola, the Congo, and Liberia, Sierra Leone in particular has one of the worst records of violence.

In that nation, rebel groups, most notably the Revolutionary United Front, the RUF, have seized control of many of that country's diamond fields. Once in control of a diamond field, the rebels confiscate the diamonds. Then they launder them on to the legitimate market through other nearby nations, such as Liberia, and ultimately finance their terrorist regimes and their continued efforts to overthrow the government.

Over the past decade, the rebels reaped the benefits of at least \$10 billion in smuggled diamonds, and the fact is it could be a lot more than that. Since the start of the rebel quest for control of Sierra Leone's diamond supply, the children of this small nation have borne the brunt of the insurgency. For over 8 years, the RUF has conscripted children, often as young as 7 or 8 years old. These soldiers and their makeshift army have ripped an estimated 12,000 children from their families. After the RUF invaded the capital of Freetown in January 1999, at least 3,000 children were reported missing.

As a result of deliberate and systematic brutalization, children soldiers have become some of the most vicious and effective fighters within the rebel factions. The rebel army, child soldiers included, has terrorized Sierra Leone's

population, killing, abducting, raping, and hacking off the limbs of victims with machetes. This chopping off of limbs is the RUF's trademark strategy.

I believe we can do something about this. We can, in fact, make a difference. We have the power to help put an end to the indiscriminate suffering and violence in Sierra Leone and elsewhere in Africa. As the world's biggest diamond customer, purchasing the majority of the world's diamonds, the United States has tremendous clout. With that clout, we have the power to remove the lucrative financial incentives that drive the rebel groups to trade in diamonds in the first place.

Simply put, if there is no market for their diamonds, there is little reason for the rebels to engage in their brutal campaigns to secure and then protect their diamonds. That is why our legislation is aimed at removing the rebels' market incentive. We need to work together with the international community to facilitate the implementation of a system of controls on the export and import of diamonds so that buyers can be certain their purchases are not fueling the rebel campaign.

Specifically, our new bill attempts to move this issue forward and to strengthen U.S. policy. For example, our bill would require the President to prohibit the importation of rough diamonds from countries not taking effective measures to stop the trade in conflict diamonds.

It also addresses potential loopholes associated with polished diamonds and diamond jewelry and includes a broader definition of conflict diamonds so that it includes conflicts in the Democratic Republic of the Congo and other areas as well.

These are a few of the important provisions that were omitted in the House version, provisions that are essential in this legislation to make the difference we want to make. I urge my colleagues in the Senate to support this new bill and send an important message to the international community. As I see it, we do have an obligation, I think a moral obligation, to help eliminate the financial incentives for the illicit traders. We owe it to those who unwittingly buy these conflict diamonds but, more importantly, we owe it to the children who have suffered far too long.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3031. Mr. ROCKEFELLER (for himself, Mr. DURBIN, Mr. BAYH, Mr. KENNEDY, Mrs. CLINTON, Mr. HARKIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. CORZINE, Mr. SCHUMER, Mrs. CARNAHAN, Mr. TORRICELLI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. JEFFORDS, Mr. LEAHY, Mr. DASCHLE, Mr. KERRY, Mr. WELLSTONE, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3032. Mrs. LINCOLN (for herself, Mr. COCHRAN, Mr. TORRICELLI, Mr. WELLSTONE, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3031. Mr. ROCKEFELLER (for himself, Mr. DURBIN, Mr. BAYH, Mr. KENNEDY, Mrs. CLINTON, Mr. HARKIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. CORZINE, Mr. SCHUMER, Mrs. CARNAHAN, Mr. TORRICELLI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. JEFFORDS, Mr. LEAHY, Mr. DASCHLE, Mr. KERRY, Mr. WELLSTONE, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION —MISCELLANEOUS

SEC. 01. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2001 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2002.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for the second, third, and fourth calendar quarters of fiscal year 2002, before the application of this section.

(b) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2003, before the application of this section.

(c) PERMITTING MAINTENANCE OF FISCAL YEAR 2003 FMAP FOR FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for the State for fiscal year 2003 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2004, before the application of this section.

(d) GENERAL 1.50 PERCENTAGE POINTS INCREASE THROUGH FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to subsections (g) and (h), for each State for the second, third, and fourth calendar quarters of fiscal year 2002 and each calendar quarter of fiscal years 2003 and 2004, the FMAP (taking into account the application of subsections (a), (b), and (c)) shall be increased by 1.50 percentage points.

(e) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES THROUGH FISCAL YEAR 2004.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to sub-

sections (g) and (h), the FMAP for a high unemployment State for the second, third, and fourth calendar quarters of fiscal year 2002, or any calendar quarter of fiscal year 2003 or 2004, (and any subsequent such calendar quarters after the first such calendar quarter for which the State is a high unemployment State regardless of whether the State continues to be a high unemployment State for the subsequent such calendar quarters) shall be increased (after the application of subsections (a), (b), (c), and (d)) by 1.50 percentage points.

(2) HIGH UNEMPLOYMENT STATE.—

(A) IN GENERAL.—For purposes of this subsection, a State is a high unemployment State for a calendar quarter if, for any 3 consecutive months beginning on or after June 2001 and ending with the second month before the beginning of the calendar quarter, the State has an average seasonally adjusted unemployment rate that exceeds the average weighted unemployment rate during such period. Such unemployment rates for such months shall be determined based on publications of the Bureau of Labor Statistics of the Department of Labor.

(B) AVERAGE WEIGHTED UNEMPLOYMENT RATE DEFINED.—For purposes of subparagraph (A), the "average weighted unemployment rate" for a period is—

(i) the sum of the seasonally adjusted number of unemployed civilians in each State and the District of Columbia for the period; divided by

(ii) the sum of the civilian labor force in each State and the District of Columbia for the period.

(f) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, with respect to the second, third, and fourth calendar quarters of fiscal year 2002, and each calendar quarter of fiscal years 2003 and 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 6 percentage points of such amounts.

(g) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396f-4); or

(2) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(h) STATE ELIGIBILITY.—A State is eligible for an increase in its FMAP under subsection (d) or (e) or an increase in a cap amount under subsection (f) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on October 1, 2001.

(i) DEFINITIONS.—In this section:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SA 3032. Mrs. LINCOLN (for herself, Mr. COCHRAN, Mr. TORRICELLI, Mr. WELLSTONE, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and

Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

DIVISION —MISCELLANEOUS

SEC. 01. DELAY IN MEDICAID UPL CHANGES FOR NON-STATE GOVERNMENT-OWNED OR OPERATED HOSPITALS.

(a) FINDINGS.—Congress finds that non-State government-owned or operated hospitals—

(1) provide access to a wide range of needed care not often otherwise available in underserved areas;

(2) deliver a significant proportion of uncompensated care; and

(3) are critically dependent on public financing sources, such as the medicaid program.

(b) MORATORIUM ON UPL CHANGES.—The Secretary of Health and Human Services may not implement any change in the upper limits on payment under title XIX of the Social Security Act for services of non-State government-owned or operated hospitals published after October 1, 2001, before the later of—

(1) September 30, 2002; or

(2) 3 months after the submission to Congress of the plan described in subsection (c).

(c) MITIGATION PLAN.—The Secretary of Health and Human Services shall submit to Congress a report that contains a plan for mitigating the loss of funding to non-State government-owned or operated hospitals as a result of any change in the upper limits on payment for such hospitals published after October 1, 2001. Such report shall also include such recommendations for legislative action as the Secretary deems appropriate.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, in consultation with the Democratic leader, pursuant to Public Law 68-541, as amended by Public Law 102-246, appoints Tom Luce, of Texas, as a member of the Library of Congress Trust Fund Board for a term of 5 years.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 728 and 729, en bloc; that the nominations be confirmed; the motions to reconsider be laid upon the table; the President be immediately notified of the Senate's action; any statements appear at the appropriate place in the RECORD; and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Don Slazinik, of Illinois, to be United States Marshal for the Southern District of Illinois for the term of four years.