

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. CARAHAN, 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.).

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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.

Kim Richard Widup, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ORDERS FOR TUESDAY, MARCH 19, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, March 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2356, the Campaign Finance Reform Act; further, that the

Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. REID. As negotiations continue on campaign finance reform, we expect to resume consideration of the energy bill tomorrow. There are a number of important amendments on which we can work. The Feinstein amendment has been pending, and Senator KYL, I hope, will be ready to offer his amendment so we can finalize the debate on the alternative energy consideration in this bill. There are a lot of things to do tomorrow.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Tuesday, March 19, 2002, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18, 2002:

THE JUDICIARY

RANDY CRANE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

DEPARTMENT OF JUSTICE

DON SLAZINIK, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

KIM RICHARD WIDUP, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.