

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 third and fourth calendar quarters of fiscal year 2002, before the application of this subsection.

(2) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to paragraph (5), if the FMAP determined without regard to this subsection 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 subsection.

(3) GENERAL 1.35 PERCENTAGE POINTS INCREASE FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2002 AND FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to paragraphs (5) and (6), for each State for the third and fourth calendar quarters of fiscal year 2002 and each calendar quarter of fiscal year 2003, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 1.35 percentage points.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, but subject to paragraph (6), with respect to the third and fourth calendar quarters of fiscal year 2002 and each calendar quarter of fiscal year 2003, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 2.7 percent of such amounts.

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

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

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

(6) STATE ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) 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 January 1, 2002.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted 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)) after January 1, 2002, but prior to the date of enactment of this Act is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on January 1, 2002.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) DEFINITIONS.—In this subsection:

(A) 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)).

(B) 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.).

(8) REPEAL.—Effective as of October 1, 2003, this subsection is repealed.

(b) ADDITIONAL TEMPORARY STATE FISCAL RELIEF.—

(1) IN GENERAL.—Title XX of the Social Security Act (42 U.S.C. 1397-1397f) is amended by adding at the end the following:

**"SEC. 2008. ADDITIONAL TEMPORARY GRANTS FOR STATE FISCAL RELIEF.**

"(a) IN GENERAL.—For the purpose of providing State fiscal relief allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, \$3,000,000,000. Such funds shall be available for obligation by the State through June 30, 2004, and for expenditure by the State through September 30, 2004. This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under this section.

"(b) ALLOTMENT.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

"State	Allotment (in dollars)
Alabama	\$33,918,100
Alaska	\$8,488,200
Amer. Samoa	\$88,600
Arizona	\$47,601,600
Arkansas	\$27,941,800
California	\$314,653,900
Colorado	\$27,906,200
Connecticut	\$41,551,200
Delaware	\$8,306,000
District of Columbia	\$12,374,400
Florida	\$128,271,100
Georgia	\$69,106,600
Guam	\$135,900
Hawaii	\$9,914,700
Idaho	\$10,293,600
Illinois	\$102,577,900
Indiana	\$50,659,800
Iowa	\$27,799,700
Kansas	\$21,414,300
Kentucky	\$44,508,400
Louisiana	\$50,974,000
Maine	\$17,841,100
Maryland	\$44,228,800
Massachusetts	\$100,770,700
Michigan	\$91,196,800
Minnesota	\$57,515,400
Mississippi	\$35,978,500
Missouri	\$62,189,600
Montana	\$8,242,000
Nebraska	\$16,671,600
Nevada	\$10,979,700
New Hampshire	\$10,549,400
New Jersey	\$87,577,300
New Mexico	\$21,807,600
New York	\$461,401,900
North Carolina	\$79,538,300
North Dakota	\$5,716,900
N. Mariana Islands	\$50,000
Ohio	\$116,367,800
Oklahoma	\$30,941,800
Oregon	\$34,327,200
Pennsylvania	\$159,089,700
Puerto Rico	\$3,991,900
Rhode Island	\$16,594,100
South Carolina	\$38,238,000
South Dakota	\$6,293,700
Tennessee	\$81,120,000
Texas	\$159,779,800
Utah	\$12,551,700
Vermont	\$8,003,800
Virgin Islands	\$128,800
Virginia	\$44,288,300

"State	Allotment (in dollars)
Washington	\$66,662,200
West Virginia	\$19,884,400
Wisconsin	\$47,218,900
Wyoming	\$3,776,400
<b>Total</b>	<b>\$3,000,000,000</b>

"(c) USE OF FUNDS.—Funds appropriated under this section may be used by a State for services directed at the goals set forth in section 2001, subject to the requirements of this title.

"(d) PAYMENT TO STATES.—Not later than 30 days after amounts are appropriated under subsection (a), in addition to any payment made under section 2002 or 2007, the Secretary shall make a lump sum payment to a State of the total amount of the allotment for the State as specified in subsection (b).

"(e) DEFINITION.—For purposes of this section, the term 'State' means the 50 States, the District of Columbia, and the territories contained in the list under subsection (b)."

(2) REPEAL.—Effective as of January 1, 2005, section 2008 of the Social Security Act, as added by paragraph (1), is repealed.

(c) EMERGENCY DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(e)).

**APPRECIATION TO THE PRESIDING OFFICER**

Mr. REID. Mr. President, I, first of all, would like to express my appreciation to the Presiding Officer. This is a duty that you weren't expecting, and I am sorry things on the floor took so long. It is my understanding that you had other things to do tonight. I really apologize for not having someone in relief.

**PATIENTS' BILL OF RIGHTS—  
CONFEREES**

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may turn to the consideration of Calendar No. 150, H.R. 2563, and the bill be considered under these limitations: Immediately after the bill is reported S. 1052 be passed by the Senate in lieu thereof; that no other amendments be in order, the bill, as amended, be read three times, and there then be 60 minutes of debate with the time equally divided and controlled between Senator KENNEDY and Senator GREGG or their designees, and that upon the use or yielding back of the time, the Senate vote on passage of the bill; that upon passage the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate without any intervening action or debate, with the ratio of conference being 6 to 5.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object—I shall object at this point—let me make a couple of comments.

I believe this is for the purpose of appointing conferees on the so-called Patients' Bill of Rights. We have just received this notification tonight. We haven't consulted with everyone on our side. We have really no objection to appointing conferees. We just have to work it out.

I will mention that the House passed this bill a year ago tomorrow on August 2. So we have been waiting to have conferees appointed for almost a year—364 days. We will be happy to do that. But since we just got this notification, and the majority wanted to do this, we have to consult with various interests and parties. We haven't had time to do that in the rush of business today.

We will cooperate with the majority to get this done early when we return. But, at this point, I will have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I have only to say that it doesn't matter. We have been busy here for the last 2 days, but they got the stuff yesterday. I understand the Senator's position. We wish we could go forward on this. There could be work done on the break. But we will work it out when we come back.

The PRESIDING OFFICER. Objection is heard.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 593

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, September 4, at 9 a.m. the Senate begin consideration of Calendar No. 903, H.R. 5093, the Interior appropriations bill; that the text of the Senate bill, S. 2708 be considered as a substitute amendment, and at 12 noon on that day the Senate resume consideration of H.R. 5005, the homeland defense bill, with the same schedule thereafter until the appropriations bill is completed.

Mr. NICKLES. Mr. President, reserving the right to object, let me have a chance to read this.

Mr. REID. We would, in the morning, work on the Interior appropriations bill. And then we would turn at lunchtime to work on the homeland defense bill, which has already been ordered. Senator BYRD and Senator STEVENS have cleared this. Senator DASCHLE and Senator LOTT have had some discussion on this.

Mr. NICKLES. Mr. President, I shall not object.

#### APPOINTMENT

Mr. REID. Mr. President, I ask unanimous consent that the appointment at the desk appear separately in the RECORD as if made by the Chair.

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

The Chair, pursuant to Executive Order 12131, as amended, signed by the President May 4, 1979, and most recently extended by Executive Order 13225, signed by the President Sep-

tember 28, 2001, appoints the following Members to the President's Export Council:

The Senator from Montana (Mr. BAUCUS);

The Senator from Missouri (Mrs. CARNAHAN);

The Senator from South Dakota (Mr. JOHNSON);

The Senator from Wyoming (Mr. ENZI);

The Senator from Arkansas (Mr. HUTCHINSON).

#### CALENDAR ITEMS EN BLOC

Mr. REID. Mr. President, I ask unanimous consent that it be in order to consider the following calendar items, en bloc, and that the Senate proceed to their consideration, en bloc:

Calendar No. 438, H.R. 309; Calendar No. 445, S. 1240; Calendar No. 447, S. 1227; Calendar No. 449, H.R. 601; Calendar No. 450, H.R. 2440; Calendar No. 458, H.R. 2234; Calendar No. 468, S. 691; Calendar No. 469, S. 1010; Calendar No. 470, S. 1649; Calendar No. 471, S. 1843; Calendar No. 472, S. 1852; Calendar No. 473, S. 1894; Calendar No. 474, S. 1907; Calendar No. 475, H.R. 223; Calendar No. 476, H.R. 1456; Calendar No. 477, H.R. 1576; Calendar No. 480, S. 1946; Calendar No. 481, H.R. 640; that the committee amendments, where applicable, be agreed to, en bloc; the motions to reconsider be laid upon the table, en bloc; the bills, as amended, where applicable, be read three times, passed, and the motions to reconsider be laid upon the table, en bloc, without any intervening action or debate; and that any statements relating to these items be printed in the RECORD; that the consideration of these items appear separately in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### GUAM FOREIGN INVESTMENT EQUITY ACT

The bill (H.R. 309) to provide for the determination of withholding tax rates under the Guam income tax, was considered, ordered to a third reading, read the third time, and passed.

#### TIMPANOGOS INTERAGENCY LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 1240) to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, UT, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part in boldface brackets and insert the part printed in italic.]

S. 1240

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

["This Act may be cited as the "Timpanogos Interagency Land Exchange Act of 2001".]

#### SEC. 2. FINDINGS.

[(a) FINDINGS.—Congress finds that—

[(1) the facility that houses the administrative office of the Pleasant Grove Ranger District of the Uinta National Forest can no longer properly serve the purpose of the facility;

[(2) a fire destroyed the Timpanogos Cave National Monument Visitor Center and administrative office in 1991, and the temporary structure that is used for a visitor center cannot adequately serve the public; and

[(3) combining the administrative office of the Pleasant Grove Ranger District with a new Timpanogos Cave National Monument visitor center and administrative office in 1 facility would—

[(A) facilitate interagency coordination;

[(B) serve the public better; and

[(C) improve cost effectiveness.

[(b) PURPOSES.—The purposes of this Act are—

[(1) to authorize the Secretary of Agriculture to acquire by exchange non-Federal land located in Highland, Utah as the site for an interagency administrative and visitor facility;

[(2) to direct the Secretary of the Interior to construct an administrative and visitor facility on the non-Federal land acquired by the Secretary of Agriculture; and

[(3) to direct the Secretary of Agriculture and the Secretary of the Interior to cooperate in the development, construction, operation, and maintenance of the facility.

#### SEC. 3. DEFINITIONS.

[In this Act:

[(1) FACILITY.—The term "facility" means the facility constructed under section 7 to house—

[(A) the administrative office of the Pleasant Grove Ranger District of the Uinta National Forest; and

[(B) the visitor center and administrative office of the Timpanogos Cave National Monument.

[(2) FEDERAL LAND.—The term "Federal land" means the parcels of land and improvements to the land in the Salt Lake Meridian comprising—

[(A) approximately 237 acres located in T. 5 S., R. 3 E., sec. 13, lot 1, SW¼, NE¼, E½, NW¼ and E½, SW¼, as depicted on the map entitled "Long Hollow-Provo Canyon Parcel", dated March 12, 2001;

[(B) approximately 0.18 acre located in T. 7 S., R. 2 E., sec. 12, NW¼, as depicted on the map entitled "Provo Sign and Radio Shop", dated March 12, 2001;

[(C) approximately 20 acres located in T. 3 S., R. 1 E., sec. 33, SE¼, as depicted on the map entitled "Corner Canyon Parcel", dated March 12, 2001;

[(D) approximately 0.18 acre located in T. 29 S., R. 7 W., sec. 15, S½, as depicted on the map entitled "Beaver Administrative Site", dated March 12, 2001;

[(E) approximately 7.37 acres located in T. 7 S., R. 3 E., sec. 28, NE¼, SW¼, NE¼, as depicted on the map entitled "Springville Parcel", dated March 12, 2001; and

[(F) approximately 0.83 acre located in T. 5 S., R. 2 E., sec. 20, as depicted on the map entitled "Pleasant Grove Ranger District Parcel", dated March 12, 2001.

[(3) NON-FEDERAL LAND.—The term "non-Federal land" means the parcel of land in the Salt Lake Meridian comprising approximately 37.42 acres located at approximately 4,400 West, 11,000 North (SR-92), Highland, Utah in T. 4 S., R. 2 E., sec. 31, NW¼, as depicted on the map entitled "The Highland Property", dated March 12, 2001.