

Kind	Miller (NC)	Serrano
Kirk	Moore	Shays
Klecza	Moran (VA)	Sherman
Kucinich	Nadler	Skelton
Langevin	Napolitano	Slaughtter
Lantos	Neal (MA)	Smith (NJ)
Larsen (WA)	Oberstar	Smith (WA)
Larson (CT)	Obey	Snyder
Leach	Olver	Solis
Lee	Ose	Spratt
Levin	Owens	Stark
Lewis (GA)	Pallone	Strickland
LoBiondo	Pascrell	Stupak
Lofgren	Pastor	Tanner
Lowe	Payne	Tauscher
Lynch	Pelosi	Taylor (MS)
Majette	Petri	Thompson (CA)
Maloney	Price (NC)	Thompson (MS)
Markey	Rahall	Tierney
Marshall	Rangel	Udall (CO)
Matsui	Rothman	Udall (NM)
McCarthy (NY)	Roybal-Allard	Udall (NM)
McCollum	Ruppersberger	Van Hollen
McDermott	Ryan (OH)	Velazquez
McGovern	Sabo	Waters
McIntyre	Sanchez, Linda	Watson
McNulty	T.	Watt
Meehan	Sanchez, Loretta	Weiner
Meek (FL)	Sanders	Wexler
Meeks (NY)	Saxton	Woolsey
Menendez	Schakowsky	Wu
Michaud	Schiff	Wynn
Millender-	Scott (VA)	
McDonald	Sensenbrenner	

NOT VOTING—13

Blumenauer	Houghton	Reyes
Bono	McCarthy (MO)	Towns
Combest	Miller, George	Waxman
Fattah	Paul	
Gephardt	Quinn	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1307

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BONO. Mr. Speaker, on rollcall No. 145 I was inadvertently detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 6, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 6, ENERGY POLICY ACT OF 2003

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 6, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CLEAN DIAMOND TRADE ACT

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1584) to implement effective measures to stop trade in conflict diamonds, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Diamond Trade Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels and state actors to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights and humanitarian advocates, the diamond trade as represented by the World Diamond Council, and the United States Government have been working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. The United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the "Kimberley Process", toward devising a solution to this problem. As the consumer of a majority of the world's supply of diamonds, the United

States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(8) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

(9) The Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002, states that Participants will ensure that measures taken to implement the Kimberley Process Certification Scheme for Rough Diamonds will be consistent with international trade rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, and the Committee on Finance and the Committee on Foreign Relations of the Senate.

(2) **CONTROLLED THROUGH THE KIMBERLEY PROCESS CERTIFICATION SCHEME.**—An importation or exportation of rough diamonds is "controlled through the Kimberley Process Certification Scheme" if it is an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is—

(A) carried out in accordance with the Kimberley Process Certification Scheme, as set forth in regulations promulgated by the President; or

(B) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the Kimberley Process Certification Scheme.

(3) **EXPORTING AUTHORITY.**—The term "exporting authority" means 1 or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate the Kimberley Process Certificate.

(4) **IMPORTING AUTHORITY.**—The term "importing authority" means 1 or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regulating imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

(5) **KIMBERLEY PROCESS CERTIFICATE.**—The term "Kimberley Process Certificate" means a forgery resistant document of a Participant that demonstrates that an importation or exportation of rough diamonds has been controlled through the Kimberley Process Certification Scheme and contains the minimum elements set forth in Annex I to the Kimberley Process Certification Scheme.

(6) **KIMBERLEY PROCESS CERTIFICATION SCHEME.**—The term "Kimberley Process Certification Scheme" means those standards, practices, and procedures of the international certification scheme for rough diamonds presented in the document entitled "Kimberley Process Certification Scheme" referred to in the Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002.

(7) **PARTICIPANT.**—The term "Participant" means a state, customs territory, or regional economic integration organization identified by the Secretary of State.

(8) **PERSON.**—The term "person" means an individual or entity.

(9) **ROUGH DIAMOND.**—The term "rough diamond" means any diamond that is unworked or simply sawn, cleaved, or bruted and classifiable

under subheading 7102.10, 7102.21, or 7102.31 of the Harmonized Tariff Schedule of the United States.

(10) UNITED STATES.—The term “United States”, when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(11) UNITED STATES PERSON.—The term “United States person” means—

(A) any United States citizen or any alien admitted for permanent residence into the United States;

(B) any entity organized under the laws of the United States or any jurisdiction within the United States (including its foreign branches); and

(C) any person in the United States.—

SEC. 4. MEASURES FOR THE IMPORTATION AND EXPORTATION OF ROUGH DIAMONDS.

(a) PROHIBITION.—The President shall prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme.

(b) WAIVER.—The President may waive the requirements set forth in subsection (a) with respect to a particular country for periods of not more than 1 year each, if, with respect to each such waiver—

(1) the President determines and reports to the appropriate congressional committees that such country is taking effective steps to implement the Kimberley Process Certification Scheme; or

(2) the President determines that the waiver is in the national interests of the United States, and reports such determination to the appropriate congressional committees, together with the reasons therefor.

SEC. 5. REGULATORY AND OTHER AUTHORITY.

(a) IN GENERAL.—The President is authorized to and shall as necessary issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to carry out this Act.

(b) RECORDKEEPING.—Any United States person seeking to export from or import into the United States any rough diamonds shall keep a full record of, in the form of reports or otherwise, complete information relating to any act or transaction to which any prohibition imposed under section 4(a) applies. The President may require such person to furnish such information under oath, including the production of books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(c) OVERSIGHT.—The President shall require the appropriate Government agency to conduct annual reviews of the standards, practices, and procedures of any entity in the United States that issues Kimberley Process Certificates for the exportation from the United States of rough diamonds to determine whether such standards, practices, and procedures are in accordance with the Kimberley Process Certification Scheme. The President shall transmit to the appropriate congressional committees a report on each annual review under this subsection.

SEC. 6. IMPORTING AND EXPORTING AUTHORITIES.

(a) IN THE UNITED STATES.—For purposes of this Act—

(1) the importing authority shall be the United States Bureau of Customs and Border Protection or, in the case of a territory or possession of the United States with its own customs administration, analogous officials; and

(2) the exporting authority shall be the Bureau of the Census.

(b) OF OTHER COUNTRIES.—The President shall publish in the Federal Register a list of all Participants, and all exporting authorities and importing authorities of Participants. The President shall update the list as necessary.

SEC. 7. STATEMENT OF POLICY.

The Congress supports the policy that the President shall take appropriate steps to promote and facilitate the adoption by the international community of the Kimberley Process Certification Scheme implemented under this Act.

SEC. 8. ENFORCEMENT.

(a) IN GENERAL.—In addition to the enforcement provisions set forth in subsection (b)—

(1) a civil penalty of not to exceed \$10,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this Act; and

(2) whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this Act shall, upon conviction, be fined not more than \$50,000, or, if a natural person, may be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who willfully participates in such violation may be punished by a like fine, imprisonment, or both.

(b) IMPORT VIOLATIONS.—Those customs laws of the United States, both civil and criminal, including those laws relating to seizure and forfeiture, that apply to articles imported in violation of such laws shall apply with respect to rough diamonds imported in violation of this Act.

(c) AUTHORITY TO ENFORCE.—The United States Bureau of Customs and Border Protection and the United States Bureau of Immigration and Customs Enforcement are authorized, as appropriate, to enforce the provisions of subsection (a) and to enforce the laws and regulations governing exports of rough diamonds, including with respect to the validation of the Kimberley Process Certificate by the exporting authority.

SEC. 9. TECHNICAL ASSISTANCE.

The President may direct the appropriate agencies of the United States Government to make available technical assistance to countries seeking to implement the Kimberley Process Certification Scheme.

SEC. 10. SENSE OF CONGRESS.

(a) ONGOING PROCESS.—It is the sense of the Congress that the Kimberley Process Certification Scheme, officially launched on January 1, 2003, is an ongoing process. The President should work with Participants to strengthen the Kimberley Process Certification Scheme through the adoption of measures for the sharing of statistics on the production of and trade in rough diamonds, and for monitoring the effectiveness of the Kimberley Process Certification Scheme in stemming trade in diamonds the importation or exportation of which is not controlled through the Kimberley Process Certification Scheme.

(b) STATISTICS AND REPORTING.—It is the sense of the Congress that under Annex III to the Kimberley Process Certification Scheme, Participants recognized that reliable and comparable data on the international trade in rough diamonds are an essential tool for the effective implementation of the Kimberley Process Certification Scheme. Therefore, the executive branch should continue to—

(1) keep and publish statistics on imports and exports of rough diamonds under subheadings 7102.10.00, 7102.21, and 7102.31.00 of the Harmonized Tariff Schedule of the United States;

(2) make these statistics available for analysis by interested parties and by Participants; and

(3) take a leadership role in negotiating a standardized methodology among Participants for reporting statistics on imports and exports of rough diamonds.

SEC. 11. KIMBERLEY PROCESS IMPLEMENTATION COORDINATING COMMITTEE.

The President shall establish a Kimberley Process Implementation Coordinating Committee to coordinate the implementation of this Act. The Committee shall be composed of the following individuals or their designees:

(1) The Secretary of the Treasury and the Secretary of State, who shall be co-chairpersons.

(2) The Secretary of Commerce.

(3) The United States Trade Representative.

(4) The Secretary of Homeland Security.

(5) A representative of any other agency the President deems appropriate.

SEC. 12. REPORTS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act and every 12 months thereafter for such period as this Act is in effect, the President shall transmit to the Congress a report—

(1) describing actions taken by countries that have exported rough diamonds to the United States during the preceding 12-month period to control the exportation of the diamonds through the Kimberley Process Certification Scheme;

(2) describing whether there is statistical information or other evidence that would indicate efforts to circumvent the Kimberley Process Certification Scheme, including cutting rough diamonds for the purpose of circumventing the Kimberley Process Certification Scheme;

(3) identifying each country that, during the preceding 12-month period, exported rough diamonds to the United States and was exporting rough diamonds not controlled through the Kimberley Process Certification Scheme, if the failure to do so has significantly increased the likelihood that those diamonds not so controlled are being imported into the United States; and

(4) identifying any problems or obstacles encountered in the implementation of this Act or the Kimberley Process Certification Scheme.

(b) SEMIANNUAL REPORTS.—For each country identified in subsection (a)(3), the President, during such period as this Act is in effect, shall, every 6 months after the initial report in which the country was identified, transmit to the Congress a report that explains what actions have been taken by the United States or such country since the previous report to ensure that diamonds the exportation of which was not controlled through the Kimberley Process Certification Scheme are not being imported from that country into the United States. The requirement to issue a semiannual report with respect to a country under this subsection shall remain in effect until such time as the country is controlling the importation and exportation of rough diamonds through the Kimberley Process Certification Scheme.

SEC. 13. GAO REPORT.

Not later than 24 months after the effective date of this Act, the Comptroller General of the United States shall transmit a report to the Congress on the effectiveness of the provisions of this Act in preventing the importation or exportation of rough diamonds that is prohibited under section 4. The Comptroller General shall include in the report any recommendations on any modifications to this Act that may be necessary.

SEC. 14. DELEGATION OF AUTHORITIES.

The President may delegate the duties and authorities under this Act to such officers, officials, departments, or agencies of the United States Government as the President deems appropriate.

SEC. 15. EFFECTIVE DATE.

This Act shall take effect on the date on which the President certifies to the Congress that—

(1) an applicable waiver that has been granted by the World Trade Organization is in effect; or

(2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect.

This Act shall thereafter remain in effect during those periods in which, as certified by the President to the Congress, an applicable waiver or decision referred to in paragraph (1) or (2) is in effect.

Mr. THOMAS (during the reading).
Mr. Speaker, I ask unanimous consent

that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, first of all, I am extraordinarily pleased that I found the gentleman from Texas (Mr. DELAY).

Mr. Leader, I would appreciate and I know all Members would: We were here late last night. We have been working hard. I know the conference committee has been working very hard.

If the gentleman would bring us up to date for what he sees as the balance of the day and the balance of the week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding to me, and I also appreciate being found.

As the gentleman and Members know, a very important conference committee is meeting on the war supplemental. Very intensive discussions are going on. We anticipate, hopefully anticipate that the conference can be wrapped up later on this evening, but there is absolutely no way that we can assure the Members that we can vote on that bill today. We will have no more votes this afternoon, and anticipate coming back to consider the war supplemental tomorrow at noon.

Mr. HOYER. Mr. Leader, it is my understanding there has not been an agreement yet, but if there were an agreement and, from our perspective, if the gentleman from Wisconsin (Mr. OBEY) and our conferees believe that the conference report was something that they could sign off on, it is my understanding that it is possible, if there were agreement, that we would not have to have a vote tomorrow on that piece of legislation; is that correct?

Mr. DELAY. If the gentleman would continue to yield, it would be beneficial to all Members if we could come to some agreement on the bill. I know that the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) have worked very, very hard to protect the interests of the House and this institution, and they are remaining firm. And we should congratulate the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) for the work they have done.

If it works to the satisfaction of those two Members and this body, it

would be very preferable to work out some sort of agreement that we could voice the vote; but I must warn Members that it does not guarantee that there will not be a vote.

Mr. HOYER. Reclaiming my time, I would reiterate and share the view of the majority leader, but at this point in time, we do not know and cannot guarantee Members that there will not be a vote tomorrow.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me simply say that I think it is fair to say that there have been virtually no political differences between either side of the aisle on this side of the Capitol; and I think it is fair to say that the House conferees are virtually unanimous in their view about what has to happen in order for us to get out of here.

I do not know yet whether we are going to get the full cooperation that we are going to need from the other side of the Capitol, but it is certainly our intent on both sides that we come out of here as one. It would be very good for the House if we had a bill that had 100 percent support. We could go home with a feeling of unity, and I know that both sides are going to try to accomplish that.

Mr. HOYER. Reclaiming my time, I want to echo the comments of the majority leader. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) have worked diligently not only on the substance of what is in the supplemental, but also in upholding the position of the House as it relates to the balance of power between the executive department and the legislative department as set forth in the Constitution of the United States.

As a matter of fact, when we started our consideration of the supplemental, the first thing the gentleman from Florida (Mr. YOUNG) did was to read article I and appropriate provisions of the Constitution. I think all of us in this body can be appreciative of the fact that the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) have taken the position that I think is appropriate for our institution, as well as for our country, and I share the majority leader's view.

We appreciate their efforts.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. I appreciate and agree with the gentleman's remarks. I want to tell Members that, as they know, at this point in time in the session it is very difficult to communicate with Members, so I urge Members to stay in touch with their offices because we will be giving all Members updates on an hourly to 2-hour basis as to what is going on with the conference com-

mittee and what the future may hold for another session tomorrow.

Mr. HOYER. Mr. Leader, am I correct it would be our hope collectively, both sides of the aisle, to be able to give definitive information to the Members at least by 5 p.m. as to what they might expect for tomorrow?

Mr. DELAY. Mr. Speaker, if the gentleman would continue to yield, I would hope we can give it sooner than that. In talking to the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG), we should have some sort of sense as to what direction the conference will be going in the next hour or two.

Mr. HOYER. Mr. Leader, in the event there is a vote tomorrow, would I be correct in assuming we would give to Members a minimum of an hour's notice and no vote will be held before noon tomorrow? Is that your thought at this point in time?

□ 1315

Mr. DELAY. Of course. And we would like to give them even more notice than that, but at least an hour before we would actually ring the bells and go back into session would we give Members notice.

Mr. HOYER. Mr. Speaker, I am not sure what I am being told, but the gentleman indicated that he may give us, and may be contemplating, more notice than 1 hour. I am not sure what that has to do with the committee, but in any event Members will have a minimum of 1 hour's notice before they would be called back to vote on any legislation tomorrow?

Mr. DELAY. The gentleman is correct.

Mr. HOYER. I thank the gentleman for that. Let me ask the gentleman another question that I was asked by another Member. Am I correct that the only votes, if we have votes tomorrow, would be on the supplemental?

Mr. DELAY. Correct. The only votes we would have, if required, would be on the rules leading up to the supplemental and on the supplemental.

Mr. HOYER. So there may be two votes tomorrow if they were required?

Mr. DELAY. If the gentleman would yield, it could be three. A same-day rule, a rule for the conference report, and the conference report.

Mr. HOYER. Reclaiming my time, in other words, Members should understand that, although we are saying there may be votes tomorrow or there may not be, but there may be multiple votes tomorrow; so it would be more than one vote required. I thank the gentleman.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. MYRICK (during consideration of H. Res. 187), from the Committee on Rules, submitted a privileged report