

(Ms. LANDRIEU) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1022

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1022, a bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

S. 1213

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1213, a bill to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, and for other purposes.

AMENDMENT NO. 1202

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1202 proposed to H.R. 2657, a bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. SMITH, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. KERRY):

S. 1394. A bill to establish a demonstration project under the medicare program to encourage the provision of community-based services to individuals with disabilities; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, Senator SMITH and I and others introduce the Money Follows the Person Act of 2003. This legislation is needed

to truly bring people with disabilities and older Americans into the mainstream of society and provide equal opportunity for employment and community activities.

In order to work or live in their own homes, Americans with Disabilities and older Americans need access to community-based services and supports. Unfortunately, under current Federal Medicaid policy, the deck is stacked in favor of living in an institution. The purpose of our bill is to level the playing field and give eligible individuals equal access to community-based services and supports.

Under our legislation, the Medicaid money paid by States and the Federal Government would follow the person with a disability from an institution into the community. This legislation provides 100 percent Federal reimbursement for the community services that an individual needs during the first year that they move out of an institution or nursing home. By fully reimbursing the States, it gives them some additional resources to allow people with disabilities and older Americans to choose to live in the community.

President Bush first proposed the Money Follows the Person Rebalancing Initiative in his FY '04 budget and indicated that the demonstration project would provide full Federal reimbursement for community services for the first year that an individual moves out of an institution or nursing home. As of this date, the administration has not suggested legislative language to Congress or provided specific details regarding the implementation of the proposal. Working with the disability community, we have drafted this legislation and look forward to working with the administration and our colleagues to enact the Money Follows the Person concept into law.

We have a Medicaid system in this country that is spending 70 percent of its dollars on institutional care and only 30 percent on community services. This bill is an important step toward switching those numbers around.

It is shameful that our Federal dollars are being spent to segregate people, not integrate them. It has been 13 years since we passed the Americans with Disabilities Act, which said no to segregation. But our Medicaid program says yes and we need to change it. This is the next civil rights battle. If we really meant what we said in the ADA in 1990, we should enact this legislation.

The civil right of a person with a disability to be integrated into his or her community should not depend on his or her address. In *Olmstead v. LC*, the Supreme Court recognized that needless institutionalization is a form of discrimination under the Americans with Disabilities Act. We in Congress have a responsibility to help States meet their obligations under *Olmstead*. An individual should not be asked to move to another state in order to avoid needless segregation. They also should not be

moved away from family and friends because their only choice is an institution.

For example, I know a young man in Iowa, Ken Kendall, who is currently living in a nursing home because he cannot access home and community based care. Ken was injured in a serious accident at the age of 17 and sustained a spinal chord injury. With the help of community based services covered by his insurance company, Ken could live in his home in Iowa City. Remaining independent made a tremendous difference in his life.

However, several years ago, Ken lost his health insurance and after a time, he went onto Medicaid. As a Medicaid recipient, Ken was only given the option to live in a nursing home in Waterloo almost 2 hours from his friends and family in Iowa City. In the nursing home, Ken has become isolated. He is very far from his family and friends and does not have access to transportation. He had not been to a restaurant or a movie since he moved to the nursing home over 2 years ago. His life has dramatically changed from when he lived in his own apartment and hired his own attendants to care for him.

Recently Ken wrote to me that he finally went to dinner and a movie for his 30th birthday. He said "I was almost in tears. I felt like I had a real life again."

This bill would give people like Ken a real life and not just on their birthdays. People like Ken should not have to continue waiting to be able to live in the community and enjoy the opportunities that other Americans take for granted.

Federal Medicaid policy should reflect the consensus reached in the ADA that Americans with Disabilities should have equal opportunity to contribute to our communities and participate in our society as full citizens. That means no one has to sacrifice their full participation in society because they need help getting out of the house in the morning or assistance with personal care or some other basic service.

This bill will open the door to full participation by people with disabilities and older Americans in our neighborhoods, our communities, our workplaces, and our American Dream, and I urge all my colleagues to support us on this issue. I want to thank Senator SMITH for his commitment to improving access to home and community based services for people with disabilities. I would also like to thank Senators KENNEDY, LAUTENBERG and KERRY for joining me in this important initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1394

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 "Money Follows the Person Act of 2003".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In his budget for fiscal year 2004, President George W. Bush proposes a "Money Follows the Person" rebalancing initiative under the medicaid program to help States rebalance their long-term services support systems more evenly between institutional and community-based services.

(2) The President, by proposing this initiative, and Congress, recognize that States have not fully developed the systems needed to create a more equitable balance between institutional and community-based services spending under the medicaid program.

(3) While a few States have been successful at achieving this balance, nationally, approximately 70 percent of the medicaid funding spent for long-term services is devoted to nursing facilities and intermediate care facilities for the mentally retarded. Only 30 percent of such funding is spent for community-based services.

(4) As a result, there are often long waiting lists for community-based services and supports.

(5) In the Americans with Disabilities Act of 1990, Congress found that individuals with disabilities continue to encounter various forms of discrimination, including segregation, and that discrimination persists in such critical areas as institutionalization.

(6) In 1999, the Supreme Court held in *Olmstead v. LC* (527 U.S. 581 (1999)) that needless institutionalization is discrimination under the Americans with Disabilities Act of 1990, noting that institutional placement of people who can be served in the community "perpetuates unwarranted assumptions that persons so isolated are unworthy of participating in community life." (Id. at 600). The Court further found that "confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment." (Id. at 601).

(7) Additional resources would be helpful for assisting States in rebalancing their long-term services support system and complying with the *Olmstead* decision.

SEC. 3. AUTHORITY TO CONDUCT MEDICAID DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY-BASED SERVICES AND SUPPORTS.—The term "community-based services and supports" means, with respect to a State, any items or services that are an allowable expenditure for medical assistance under the State medicaid program, or under a waiver of such program and that the State determines would allow an individual to live in the community.

(2) INDIVIDUAL'S REPRESENTATIVE; REPRESENTATIVE.—The terms "individual's representative" and "representative" mean a parent, family member, guardian, advocate, or authorized representative of an individual.

(3) MEDICAID LONG-TERM CARE FACILITY.—The term "medicaid long-term care facility" means a hospital, nursing facility, or intermediate care facility for the mentally retarded, as such terms are defined for purposes of the medicaid program.

(4) MEDICAID PROGRAM.—The term "medicaid program" means the State medical assistance program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(6) STATE.—The term "State" has the meaning given such term for purposes of the medicaid program.

(b) STATE APPLICATION.—A State may apply to the Secretary for approval to conduct a demonstration project under which the State shall provide community-based services and supports to individuals—

(1) who are eligible for medical assistance under the medicaid program;

(2) who are residing in a medicaid long-term care facility and who have resided in such facility for at least 90 days; and

(3) with respect to whom there has been a determination that but for the provision of community-based services and supports, the individuals would continue to require the level of care provided in a medicaid long-term care facility.

(c) REQUIREMENTS.—A State is not eligible to conduct a demonstration project under this section unless the State certifies the following:

(1) With respect to any individual provided community-based services and supports under the demonstration project, the State shall continue to provide community-based services and supports to the individual under the medicaid program (and at the State's Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) reimbursement rate), for as long as the individual remains eligible for medical assistance under the State medicaid program and continues to require such services and supports, beginning with the month that begins after the 12-month period in which the individual is provided such services and supports under the demonstration project.

(2) The State shall allow an individual participating in the demonstration project (or, as appropriate, the individual's representative) to choose the setting in which the individual desires to receive the community-based services and supports provided under the project.

(3) The State shall identify and educate individuals residing in a medicaid long-term care facility who are eligible to participate in the demonstration project (and, as appropriate the individual's representative) about the opportunity for the individual to receive community-based services and supports under the demonstration project.

(4) The State shall ensure that each individual identified in accordance with paragraph (3) (and, as appropriate, the individual's representative), has the opportunity, information, and tools to make an informed choice regarding whether to transition to the community through participation in the demonstration project or to remain in the medicaid long-term care facility.

(5) The State shall maintain an adequate quality improvement system so that individuals participating in the demonstration project receive adequate services and supports.

(6) The State shall conduct a process for public participation in the design and development of the demonstration project and such process shall include the participation of individuals with disabilities, elderly individuals, or individuals with chronic conditions who are part of the target populations to be served by the demonstration project, and the representatives of such individuals.

(7) The Federal funds paid to a State pursuant to this section shall only supplement, and shall not supplant, the level of State funds expended for providing community-based services and supports for individuals under the State medicaid program as of the date the State application to conduct a demonstration project under this section is approved.

(d) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall conduct a competitive application process with respect to applications submitted under subsection (b) (taking into consideration the preferences provided under paragraph (2)) that meet the requirements of subsection (c). In determining whether to approve such an application, the Secretary may waive the requirement of—

(A) section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations;

(B) section 1902(a)(10)(B) of such Act (42 U.S.C. 1396a(a)(10)(B)) with respect to comparability; and

(C) section 1902(a)(10)(C)(i)(III) of such Act (42 U.S.C. 1396a(a)(10)(C)(i)(III)) with respect to income and resource limitations.

(2) PREFERENCE FOR CERTAIN APPLICATIONS.—In approving applications to conduct demonstration projects under this section, the Secretary shall give preference to approving applications that indicate that the State shall do the following:

(A) Design and implement enduring improvements in community-based long-term services support systems within the State to enable individuals with disabilities to live and participate in community life, particularly with respect to those practices that will ensure the successful transition of such individuals from medicaid long-term care facilities into the community.

(B) Design and implement a long-term services support system in the State that prevents individuals from entering medicaid long-term care facilities in order to gain access to community-based services and supports.

(C) Engage in systemic reform activities within the State to rebalance expenditures for long-term services under the State medicaid program through administrative actions that reduce reliance on institutional forms of service and build up more community capacity.

(D) Address the needs of populations that have been underserved with respect to the availability of community services or involve individuals or entities that have not previously participated in the efforts of the State to increase access to community-based services.

(E) Actively engage in collaboration between public housing agencies, the State medicaid agency, independent living centers, and other agencies and entities in order to coordinate strategies for obtaining community integrated housing and supportive services for an individual who participates in the demonstration project, both with respect to the period during which such individual participates in the project and after the individual's participation in the project concludes, in order to enable the individual to continue to reside in the community.

(F) Develop and implement policies and procedures that allow the State medicaid agency to administratively transfer or integrate funds from the State budget accounts that are obligated for expenditures for medicaid long-term care facilities to other accounts for obligation for the provision of community-based services and supports (including accounts related to the provision of such services under a waiver approved under section 1915 of the Social Security Act (42 U.S.C. 1396n)) when an individual transitions from residing in such a facility to residing in the community.

(e) PAYMENTS TO STATES.—

(1) IN GENERAL.—The Secretary shall pay to each State with a demonstration project approved under this section an amount for each quarter occurring during the period described in paragraph (2) equal to 100 percent of the State's expenditures in the quarter for providing community-based services and

supports to individuals participating in the demonstration project.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the 12-month period that begins on the date on which an individual first receives community-based services and supports under the demonstration project in a setting that is not a medicaid long-term care facility and is selected by the individual.

(f) REPORTS.—

(1) IN GENERAL.—Each State conducting a demonstration project under this section shall submit a report to the Secretary that, in addition to such other requirements as the Secretary may require, includes information regarding—

(A) the types of community-based services and supports provided under the demonstration project;

(B) the number of individuals served under the project;

(C) the expenditures for, and savings resulting from, conducting the project; and

(D) to the extent applicable, the changes in State's long-term services system developed in accordance with the provisions of subsection (d)(2).

(2) UNIFORM DATA FORMAT.—In requiring information under this subsection, the Secretary shall develop a uniform data format to be used by States in the collection and submission of data in the State report required under paragraph (1).

(g) EVALUATIONS.—The Secretary shall use an amount, not to exceed one-half of 1 percent of the amount appropriated under subsection (h) for each fiscal year, to provide, directly or through contract—

(1) for the evaluation of the demonstration projects conducted under this section;

(2) technical assistance to States concerning the development or implementation of such projects; and

(3) for the collection of the data described in subsection (f)(1).

(h) FUNDING.—

(1) IN GENERAL.—There is appropriated to carry out this section \$350,000,000 for each of fiscal years 2004 through 2008.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) for a fiscal year shall remain available until expended, but not later than September 30, 2008.

By Mr. McCAIN (for himself and Mr. BROWNBACK):

S. 1395. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2004 through 2005; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, I am pleased to be joined by Senator BROWNBACK in introducing the Technology Administration Authorization Act of 2003. This legislation would authorize funding for the Department of Commerce's Technology Administration, which includes the National Institute of Standards and Technology (NIST), the Office of Technology Policy, and the Office of Space Commercialization.

As we begin the 21st Century, we must recognize that technology is a vital key to our world leadership. In addition, technology is the engine that drives our economy. According to the Bureau of Labor Statistics, there will be 2.5 million new jobs between 2000 and 2010, just in the field of information technology alone. According to

the Department of Commerce, the contribution of the high-tech industry to the U.S. economy has doubled over the past 10 years, from 4.2 percent to 8.3 percent of the gross domestic product. Information technology has contributed more than one-third of the real U.S. economic growth, or approximately \$170 billion.

The Technology Administration has broad responsibilities including supporting the development of standards for first responders, promotion of space commercialization, publication of technical documents, and development of policies regarding technology transfer. The quality of work conducted at NIST labs in Gaithersburg, MD, and Boulder, CO, is evident by the awarding of two Nobel Prizes to NIST researchers, Dr. Bill Phillips and Dr. Eric Cornell, within the past seven years.

NIST plays an important role in developing measurement methods, standards, and technologies that improve U.S. competitiveness in fields as diverse as chemical engineering, manufacturing, electronics, metallurgy, and physics. In addition, NIST is charged with the mission in our Constitution of setting, "the Standard of Weights and Measures" that are the foundation of our economy. NIST also runs the Malcolm Baldrige National Quality Award Program that recognizes performance excellence and quality. Recently, NIST has been charged with a number of new missions, including cyber security research and development, election reform, investigating the collapse of the World Trade Center, and developing metrology for the promising new field of nanotechnology. However, these new initiatives have diverted resources from NIST's traditional missions, and forced scientists to be laid off due to reduced funding. Given NIST's recognized leadership as a "world class" science institution, it is important that we ensure that it is adequately funded.

This legislation would authorize the Technology Administration from Fiscal Years 2004 through 2008 to ensure a steady funding stream for this agency's activities. The bill is based on the President's budget request for NIST's laboratory activities, and includes funding increases of six percent per year to offset the deteriorating funding situation.

The legislation also would authorize funding for the Manufacturing Extension Partnership, (MEP), Program. As Secretary Evans recently stated, "[m]anufacturing is a key pillar of our economy and we are committed to enhancing growth opportunities for our American manufacturing companies." I commend the Secretary for his recognition of the need to energize the manufacturing sector to restore robust growth to our economy. With this recognition in mind, I urge the Administration to be aware of the role that MEP can play in restoring the health of this sector. MEP centers aid small and medium-sized manufacturers by of-

fering expertise, needs evaluation, training and information dissemination to help these companies deal with the challenges of globalization and weak economic growth.

I would urge my colleagues to support this legislation. It is important that we reauthorize these programs to ensure that they continue to carry out their critical role in our Nation's economy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1395

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 "Technology Administration Authorization Act of 2003".

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the National Institute of Standards and Technology.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the Scientific and Technical Research and Services laboratory activities of the National Institute of Standards and Technology—

(1) \$387,621,000 for fiscal year 2004 of which \$5,795,000 shall be for the National Quality Program;

(2) \$410,878,000 for fiscal year 2005 of which \$5,969,000 shall be for the National Quality Program;

(3) \$435,530,000 for fiscal year 2006 of which \$6,148,000 shall be for the National Quality Program;

(4) \$461,662,000 for fiscal year 2007 of which \$6,332,000 shall be for the National Quality Program; and

(5) \$489,362,000 for fiscal year 2008 of which \$6,522,000 shall be for the National Quality Program.

(b) CONSTRUCTION AND MAINTENANCE.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(1) \$69,590,000 for fiscal year 2004;

(2) \$71,678,000 for fiscal year 2005;

(3) \$73,828,000 for fiscal year 2006;

(4) \$76,043,000 for fiscal year 2007; and

(5) \$78,324,000 for fiscal year 2008.

(c) TEACHER SCIENCE AND TECHNOLOGY ENHANCEMENT INSTITUTE PROGRAM.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the Teacher Science and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) \$750,000 for fiscal year 2004;

(2) \$773,000 for fiscal year 2005;

(3) \$796,000 for fiscal year 2006;

(4) \$820,000 for fiscal year 2007; and

(5) \$844,000 for fiscal year 2008.

(d) INDUSTRIAL TECHNOLOGY SERVICES.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the Manufacturing Extension Partnership Program of the

National Institute of Standards and Technology—

- (1) \$107,000,000 for fiscal year 2004;
- (2) \$110,210,000 for fiscal year 2005;
- (3) \$113,516,000 for fiscal year 2006;
- (4) \$116,921,000 for fiscal year 2007; and
- (5) \$120,429,000 for fiscal year 2008.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.

(a) OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the activities of the Under Secretary for Technology and the Office of Technology Policy—

- (1) \$8,015,000 for fiscal year 2004;
- (2) \$8,255,000 for fiscal year 2005;
- (3) \$8,503,000 for fiscal year 2006;
- (4) \$8,758,000 for fiscal year 2007;
- (5) \$9,021,000 for fiscal year 2008.

(b) OFFICE OF SPACE COMMERCIALIZATION.—There are authorized to be appropriated to the Department of Commerce for use by the Secretary of Commerce for the activities of the Office of Space Commercialization—

- (1) \$500,000 for fiscal year 2004;
- (2) \$515,000 for fiscal year 2005;
- (3) \$530,000 for fiscal year 2006;
- (4) \$546,000 for fiscal year 2007; and
- (5) \$563,000 for fiscal year 2008.

SEC. 5. AMENDMENT OF STEVENSON-WYDLER ACT.

Section 17(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)) is amended—

- (1) by inserting “and nonprofit organizations” after “Companies” in paragraph (1)(C); and
- (2) by striking paragraph (3) of subsection (c).

SEC. 6. FINANCIAL STATUS OF THE NATIONAL TECHNICAL INFORMATION SERVICE.

Within 90 days after the date of enactment of this Act, the Secretary of Commerce shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science regarding the financial status of the National Technical Information Service.

AMENDMENTS SUBMITTED & PROPOSED

SA 1211. Mr. LUGAR (for Mr. BROWNBACK (for himself and Mr. KENNEDY)) submitted an amendment intended to be proposed to amendment SA 1147 submitted by Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) and intended to be proposed to the amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table.

SA 1212. Mr. LUGAR (for Mr. FRIST) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1213. Mr. LUGAR (for Mr. EDWARDS (for himself, Ms. COLLINS, Mr. REED, and Mr. ROBERTS)) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1214. Mr. LUGAR (for Ms. MURKOWSKI (for himself and Ms. LANDRIEU)) submitted an amendment intended to be proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1211. Mr. LUGAR (for Mr. BROWNBACK (for himself and Mr. KEN-

NEDY)) submitted an amendment intended to be proposed to amendment SA 1147 submitted by Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) and intended to be proposed to the amendment SA 1136 by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, 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:

SEC. 214. ENHANCING REFUGEE RESETTLEMENT TO ENSURE NATIONAL SECURITY AND MAINTAIN THE UNITED STATES COMMITMENT TO REFUGEES.

(a) FINDINGS.—Congress finds the following:

(1) The United States has a longstanding tradition of providing refugee assistance and relief through the Department of State's migration and refugee assistance account for refugees throughout the world who have been subjected to religious and other forms of persecution.

(2) A strong refugee resettlement and assistance program is a critical component of the United States' strong commitment to freedom.

(3) The United States refugee admissions program has been in decline for much of the last 5 years, resulting in a chronic inability of the United States to meet the ceiling on refugee admissions that has been set by the President each year.

(4) Refugee applicants have always undergone rigorous security screenings. The September 11, 2001, terrorist attacks on the United States have rightfully increased the awareness of the need to ensure that all aliens seeking admission to the United States would not endanger the United States. In order to ensure that the refugee admissions program remains available in a timely way to deserving and qualified refugee applicants, all personnel involved in screening such applicants should closely coordinate their work in order to ensure both the timely and complete screening of such applicants.

(5) Private voluntary agencies have and continue to provide valuable information to State Department officials for refugee processing, and along with Embassy personnel, can be utilized to assist in the preliminary screening of refugees so that State Department officials can focus to a greater extent on security.

(6) In order to meet the ceiling set by the Administration, which has been 70,000 refugees in recent years, a broader cross-section of the world's 15,000,000 refugees could be considered for resettlement in the United States if the Department of State were to expand existing refugee processing priority categories in a reasonable and responsible manner. Expansion of refugee selection should include the expanded use of both the existing category reserved for refugees of special interest to the United States as well as the existing categories reserved for family reunification.

(b) PURPOSE.—It is the purpose of this section to provide the Department of State with tools to enable it to carry out its responsibilities with greater efficiency with respect to the identification and processing of refugee applicants.

(c) SENSE OF CONGRESS CONCERNING ANNUAL ADMISSION OF REFUGEES.—It is the sense of Congress that—

(1) efforts of the Department of State to admit 70,000 refugees, as allocated through

presidential determinations, for fiscal year 2003 are strongly supported and recommended; and

(2) the Administration should seek to admit at least 90,000 refugees in fiscal year 2004 and at least 100,000 in fiscal year 2005.

(d) REFUGEE SECURITY COORDINATOR.—

(1) ESTABLISHMENT.—In order to further enhance overseas security screening of the United States Refugee Resettlement Program, there shall be within the Bureau of Population, Refugees, and Migration, a Refugee Security Coordinator who shall report to the Assistant Secretary of State for Population, Refugees, and Migration.

(2) RESPONSIBILITIES.—The Refugee Security Coordinator referred to in paragraph (1) shall be responsible for—

(A) ensuring that applicants for admission to the United States undergo a security review;

(B) ensuring that, to the greatest extent practicable, such security reviews are completed within 45 days of the submission of the information necessary to conduct such a review;

(C) providing appropriate officials in the Department of Justice and the Department of Homeland Security pertinent information for conducting security reviews for applicants; and

(D) making recommendations on procedural and personnel changes and levels of appropriations that the Refugee Security Coordinator considers appropriate for the various agencies of government involved in conducting security reviews for refugee applicants in order to ensure that such reviews are complete and accurate, protect the security of the United States, and are completed in a timely manner.

(3) AUTHORITY.—In carrying out the responsibilities set forth in paragraph (2), the Refugee Security Coordinator shall have full authority to work with the various agencies of government to ensure that security reviews are conducted in a complete and timely manner, including authority to inquire about and recommend and inform the appropriate agencies on any particular application with emphasis on emergency protection cases for the purpose of seeking expedited processing.

(e) USE OF NONGOVERNMENTAL ORGANIZATIONS IN REFERRAL OF REFUGEES.—

(1) PRIVATE VOLUNTARY ORGANIZATION REFERRALS.—The Secretary of State shall develop and utilize partnerships with private voluntary agencies that permit such agencies to assist in the identification and referral of refugees, through the creation of networks of field-based nongovernmental organizations with immediate and direct knowledge of refugees in need of a durable solution.

(2) USE OF VOLUNTARY AGENCIES IN OVERSEAS REFUGEE PROCESSING.—In processing refugees for admission to the United States, the Department of State shall utilize private voluntary agencies.

(3) REFUGEE RESPONSE TEAMS.—

(A) ESTABLISHMENT.—In order to make the processing of refugees more efficient and effective, enhance the quality of refugee resettlement programs, and to augment the capacity of the United States Government to identify, process, assist, and counsel individuals for eventual adjudication by the Department of Homeland Security as refugees, the Secretary of State shall establish and utilize the services of Refugee Response Teams (in this section referred to as “RRTs”). RRTs shall be coordinated by the Assistant Secretary of State for Population, Refugees, and Migration, or the Assistant Secretary's designee, and work with the Refugee Security Coordinator.

(B) RESPONSIBILITIES OF THE RRTS.—RRTs shall be responsible for—