

contrast, the HELP Committee reported a partisan product, S. 1992 on a party-line vote of 11–10.

We do not believe that a partisan approach is the way to proceed on such important legislation that will affect the retirement savings of tens of millions of Americans.

In the spirit of bipartisanship, therefore, we respectfully request that you call up the Finance Committee bill to serve as the underlying bill for the Senate's debate on American's retirement security. This good-faith gesture would expedite the Senate's action. Furthermore it would solve concerns due to the limited scope of S. 1992, which was due to HELP Committee's restricted jurisdiction in the retirement security area.

Using the Finance reported bill would facilitate, not preclude, the full Senate's involvement in the retirement security debate. It would send an important signal of bipartisanship to American workers and retirees who will be keenly watching this debate and would reassure them that we are working together in their best interests. And, as you said in your press conference with Senator Kennedy, "this isn't about political points." We agree with you, Senator Daschle. This shouldn't be about political points. It should be about good public policy and good pension policy for all Americans.

Sincerely,

Chuck Grassley, Don Nickles, Craig Thomas, Orrin Hatch, Jon Kyl, Fred Thompson, Frank H. Murkowski, Phil Gramm, Olympia Snowe.

Mr. GRASSLEY. I implore the Democratic leadership to get in gear. The American people deserve action on this charitable tax reform action called the CARE Act. We should not forbear on curtailing tax shelters and corporate expatriations, which all may be legal, but in a time during the war on terrorism for a corporation to flee the country to Bermuda and not do anything more than set up a shell corporation is unethical and immoral—tax shelters, where the people who write the tax shelters sell them on the basis of how much money you will save the corporation in taxes, and where the people who write them do not even have to defend them. That seems to me to be professionally unethical as well. In other words, sell your product to a corporation and then let them hold the bag.

We are losing a lot of revenue that can be used for charitable purposes under the CARE Act. Workers rightly expect a debate and action on a bipartisan retirement security package. Let's do the right thing. Let's do the people's business. Let's undo the gridlock on these important bills. Let's bring up the CARE Act. Let's bring up the NESTEG Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I came to talk about another subject, but I think what my distinguished neighbor and colleague, the ranking member of the Finance Committee, said is very important and bears repeating.

Yesterday we passed, 92 to 2, an election reform bill. I think that bill proves what Senator GRASSLEY just said. That was a bipartisan bill.

Senator DODD, the chairman of the committee, worked very closely with

Senator MCCONNELL, the ranking member, and with me. We worked for about 18 months. It was not easy. But it was always done in a bipartisan fashion and we got the bill done.

The distinguished ranking member of the Finance Committee has pointed out other measures in the Finance Committee where they could work together. Sometimes they do—and then sometimes they bring legislation to the floor, report it out on a bipartisan basis, that the majority leader will not bring up.

If we had really wanted a prescription drug Medicare reform bill, we could have relied on the work of the bipartisan group on the Finance Committee. If we had wanted an energy bill, we should have relied on the bipartisan Energy Committee, with interest and expertise in the area, to report out a bill. It was taken away, for political purposes, from the Energy Committee by the majority leader. As a result, we got nowhere.

As I understand it, the Banking Committee reported out a good, strong, bipartisan terrorism risk reinsurance bill to provide terrorism insurance, a backup by the Federal Government so buildings and construction could get the insurance they needed to obtain financing to carry forward with some \$16 billion of construction in this country. That bipartisan bill was not the one that was brought to the floor. That is the reason we have gridlock.

When those people tried to bring up measures purely for partisan advantage, they did not get very far. That is why this Senate is known by everybody who watches it as the most dysfunctional Senate that anybody has seen in recent history. We have not even brought up a budget. I have labored long and hard on the Budget Committee, and we felt the product that came out on a party line, which proposed cutting defense spending and raising taxes in a time where we are at war and coming out of a recession, was not a good thing to do. It has not even been brought up. We could have come to a bipartisan agreement on a Budget Act that would have allowed us to move forward on appropriations.

We have inflicted ourselves with the wound of not being effective because, unfortunately, the majority leader has chosen to go with more political and nonbipartisan measures coming to the floor.

#### NURSING HOMES

Mr. BOND. Mr. President, I rise today to comment on a series of articles running this week in the St. Louis Post-Dispatch. The series began last Sunday with the headline "Nation's Nursing Homes are Quietly Killing Thousands" and anyone with a conscience should pause to consider its opening sentences:

Thousands of America's elderly mothers, fathers and grandparents are being killed each year in the nation's homes—frail vic-

tims of premature and preventable deaths. This quiet pandemic is rarely detected by government inspectors, investigated by law enforcement, appraised by medical examiners or prosecuted by anyone. These deaths are not at the hands of crazed "angels of death." Most are caused by fatal neglect traced to caregivers upon whom residents depend for food and liquid and for turning them in their beds to prevent the formation of life-threatening sores. . . .

In short, elderly nursing home residents are dying in our country today due to failures to provide the most basic and fundamental elements of care. The Post-Dispatch reports statistics from the National Center on Health Statistics, which show that starvation, dehydration or bedsores were the cause of death for 4,138 nursing home residents in 1999, including 138 such deaths in Missouri.

However, these appalling statistics may only be the tip of the iceberg. The Post-Dispatch reported that investigators and researchers, who have taken the time to take a closer look and compare patient medical records with their death certificates, conclude that the number of preventable deaths due to malnutrition, dehydration and bedsores is most likely considerably higher. Our colleague, Senator BREAU, believes that the number of avoidable deaths could number in the tens of thousands and research shows that anywhere between 500,000 to 5 million cases of abuse and neglect of our elders occur each year.

Personally, I know that Missouri has a terrible problem with some bad apple nursing homes. I know this because plenty of good folks back home have told me about their own horrific experiences with abuse and neglect of their loved ones. Furthermore, the General Accounting Office in recent years has amply documented decades of death and neglect due to the poor quality of care in too many of our Nation's nursing homes. In 1999, the GAO estimated that residents of one in four nursing homes in Missouri suffered actual harm from the care they received. Hearing these staggering stories and statistical figures was a wake-up call. I submit to my colleagues that no one here today can say "not in my backyard"—abuse, neglect and homicide in nursing homes in truly a national problem.

In my opinion, neglecting an elderly, fragile individual is no different than neglecting a child. Both are defenseless, both lack a vibrant voice, both are vulnerable and both suffer at the hands of those who are nothing more than cowards and criminals. Abuse of the elderly should be treated no differently than abuse of children.

Many of us on the floor today have taken strong stances with regard to corporate accountability. However, sending corporate titans up the river for cooking the books while excusing nursing home operators and others with fines and a slap on the wrist just doesn't square with me. Surely the lives of innocent folks who are not just suffering, but dying due to neglect

should be just as precious under the law as anybody's pension fund. We need to send a crystal clear message that these individuals are criminals who should be wearing orange jump-suits instead of pin-stripes. A criminal is a criminal and, unfortunately, the "criminal" actions of some nursing home operators have tarnished the reputations of nursing homes generally and unfairly.

There is much that we need to accomplish to improve the plight of those elderly men and women who reside in nursing homes. The unnecessary human toll directly related to the failures in the nursing home industry is nothing short of shameful. There will be no miracle fix to this problem and there is no one obstacle to overcome that will improve the situation. First and foremost, we need to recognize that a revolution is really the only alternative. The powers that be in this area, namely the Department of Health and Human Services and the Centers for Medicare and Medicaid, as well as the corporate honchos in the nursing home industry need to recognize and acknowledge the need for revolutionary change. We as legislators need to summon the will and courage to spur that revolution.

Last month, I became an original cosponsor of the Elder Justice Act of 2002. This bill is the first comprehensive federal effort to address the issue of elder abuse. It is an attempt to combine law enforcement and public health to study, detect, treat, prosecute and prevent elder abuse, neglect and exploitation. It is a successful approach that has been applied to combat child abuse and violence against women. This bill creates Federal leadership and resources to assist families, communities and states in the fight against elder abuse; coordinates Federal, State and local elder abuse prevention efforts; establishes new programs to assist victims; provides grants for education and training of law enforcement; and facilitates criminal background checks for elder care employees.

The tragic toll of nursing home deaths in Missouri is so compelling, that I have also sought new ways to approach this seemingly intractable problem. I met with HHS Secretary Tommy Thompson this past summer and discussed with him new bedside technology that can easily and accurately record individual information about nursing home residents and the care they receive. We discussed the success of a program in Missouri called QIPMO—Quality Improvement Program for Missouri, a patient care monitoring system that provides reports on the quality of care delivered by all Missouri nursing homes. This award-winning program is a cooperative project between the Sinclair School of Nursing and the Missouri Department of Health and Senior Services. I urged Secretary Thompson to consider adapting QIPMO's free on-site clinical consultation and technical assistance as an in-

tegral piece of a new federal technology demonstration and evaluation program. If enhanced with cutting-edge technology, I believe QIPMO may be a viable platform to help HHS lead nursing homes and state regulators to greatly improve on-site monitoring and clinical care. We urgently need a technological revolution in nursing home care that can save lives and spare our elders of unnecessary suffering. A groundbreaking technology demonstration and evaluation program has the potential to erect an early warning system to alert care-givers to life-threatening problems before they become widespread or have tragic consequences. I thank Secretary Thompson for working with me and for offering his enthusiastic support and commitment to ensure that the demonstration and evaluation program happens.

I think all of us realize that at some point in our lives we may have to take a parent, grandparent, or elderly relative, or even a good friend to a nursing home. Some of us may wind up there ourselves. We know from experience that there are a lot of good nursing homes and there are a lot of homes in Missouri where we are very proud of the care the people receive. On the other hand, there are a few tragically bad apples that need to be picked out so when you take a family member, a loved one to a nursing home, you don't have to be worried that person will die of starvation or dehydration or bed sores. What a horrible way to go.

The article points out the need for additional staffing. Many nursing homes are short staffed. That is a problem that needs to be confronted. In some instances, when they have the Medicaid reimbursements, they are not adequate. If the money is not getting there—if it is going to care but there is not enough of it, that is one thing. There are other abuses that have been pointed out in these articles, where too much money that should go to care of patients is being siphoned off to family members who run other businesses on the side.

This is an area where continued vigilance, first from State enforcement agencies, and then the Department of Health and Human Services, is warranted. When one reads the stories and the record of the tragedy that has occurred, and it has been documented in this series, I believe all my colleagues are going to want to do something to assure that we separate the good nursing homes from the bad; and properly punish and chastise and charge those who are bad apples.

I ask unanimous consent additional material to which I referred be printed in the RECORD.

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

[From the St. Louis Post-Dispatch, Oct. 17, 2002]

**SPECIAL REPORT: NEGLECTED TO DEATH—  
PREVENTABLE DEATHS IN NURSING HOMES**

Nursing home patients are dying from causes like malnutrition, dehydration and

bedsores—causes that could be prevented with proper care. But such cases are rarely investigated or prosecuted, and advocates say the suffering won't end without an outcry for reform.

**CONGRESS RENEWS AN OLD BATTLE FOR  
NURSING HOME REFORM**

The senior member of Congress wrapped his gnarled hands around the microphone sitting on the green felt-covered witness table and asked his distinguished colleagues: "What have the elderly in this country done to make their government and their neighbors so willing to have them starved, neglected and uncared for?"

*Day 1—Nursing homes are killing thousands*

Nation's Nursing Home Are Quietly Killing Thousands (10/12/2002)—Patients are dying of causes that are preventable with proper care—and such cases are rarely investigated or prosecuted. Advocates say the suffering won't end without an outcry for reform.

Survivors of Lost Loved Ones Tell Stories of Broken Trust (10/12/2002)—They are victims of poor care in nursing homes, a cross section cut from the fabric of America—mothers and fathers, war heroes and homemakers, black and white.

*Day 2—Inadequate staffing results in patient neglect*

Woefully Inadequate Staffing Is at the Root of Patient Neglect. (10/14/2002)—Nursing homes don't have enough people to provide even basic care, and the job often falls to low-paid, low-skilled workers. And when quality employees do come along, they often don't stick around.

Inadequate Medicaid Payments Squeeze Homes' Level of Care (10/14/2002)—Some tie low staffing to drive for profits; reimbursements fall short, industry counters.

Operator Has Toiled To Rescue Troubled Home in University City (10/14/2002)—The State called on Sharo Shirshekan to save the newly named U-City Forest Manor. His orders were to bring the homes' budget under control and correct chronic care problems. At one point facing closure, he persuaded the state to give him a chance—and now he has given the home just that.

*Day 3—Neglect can continue even after death*

Many Nursing Home Patients Are Neglected Even After Death (10/14/2002)—Police and prosecutors are reluctant to pursue criminal cases, partly because they are difficult to prove. And with little involvement from medical examiners, most misdeeds are buried with the dead.

Fraud Units Employ the Element of Surprise in Protecting Elderly (10/14/2002)—Throughout the country, small groups of federal and state investigators are protecting the vulnerable elderly from wrongful deaths in nursing homes by using midnight raids and a Civil War-era law.

Army of Advocates Keeps Up the Pressure for Reform (10/14/2002)—Violette King is buzzing around her home office in Godfrey searching through photos and cluttered files detailing nursing home abuse when a ringing telephone interrupts.

*Day 4—Regulators are losing the fight against neglect*

Ombudsmen often feel powerless in efforts to blow the whistle (10/15/2002)—In 1972, Congress passed a law that legislators believed would help end deadly care in America's nursing homes. It mandated that each state set up an ombudsman program to identify and investigate complaints in hopes of preventing the neglect and abuse that were harming the elderly in the facilities paid to care for them.

Regulators Are Losing War Against Neglect, If They're fighting at All (10/15/2002)—

Missouri officials acknowledge failings in their ability to protect residents. Their counterparts in Illinois see no significant problems despite complaints from inspectors.

*Day 5—Legislative efforts try to make things better*

Inadequate Laws Are Blamed for Lack of Prosecution in 4 Heat-Related Deaths (10/16/2002)—When four elderly women baked to death from soaring temperatures in a University City Nursing home in April last year, public officials expressed outrage and vowed to take swift action against those responsible.

Nursing Home Industry Wields Clout in State Capitals (10/16/2002)—More than 40 percent of the nearly \$2.6 million the nursing home industry contributed nationwide in state elections in 2000 flowed into Missouri and Illinois.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be allowed to speak for as much time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE CYBER SECURITY RESEARCH AND DEVELOPMENT ACT

Mr. ALLEN. Mr. President, I rise today to thank my colleagues for their unanimous support for S. 2182, the Cyber Security Research and Development Act. I share the concerns and worries of Senator BOND and Senator GRASSLEY on many pieces of legislation and important matters that have not been passed due to various obstructions and problems. However, I am here to say we actually have done something very constructive which will soon be helping our country, and that is the passage of the Cyber Security Research and Development Act.

An extraordinary amount of hard work that went into this legislation. I thank my colleague from Oregon, Senator WYDEN, for his leadership and continued work in pushing this important measure through the legislative process.

Our bill, S. 2182, addresses the important issue of cyber and computer security. It is a truly historic piece of legislation because, for the first time, it assures and solidifies the Federal Government's commitment to basic, fundamental, long-term research in computer security as well as much needed graduate and postgraduate doctoral fellowships in computer security.

America must act now to protect our security on many fronts. As our reliance on technology and the Internet has grown over the past decade, our vulnerability to attacks on the Nation's critical infrastructure and network systems has also grown exponentially. The high degree of interdependence between information systems ex-

poses America's network infrastructure to both benign and destructive disruptions.

Such cyber-attacks can take several forms, including the defacement of Web sites, denial of service, virus infection throughout the computer network, and the unauthorized intrusions and sabotage of systems and networks resulting in critical infrastructure outages and corruption of vital data. These are just some examples of the problems that could arise and have previously arisen.

In fact, we have seen past attacks, such as the Code Red virus, that show the types of dangers and potential disruption cyber-attacks can have on our Nation's infrastructure. The cyber-threats before this country are significant and are, unfortunately, only getting more complicated and sophisticated as time goes on.

A survey last year by the Computer Security Institute and the FBI found that 85 percent of 538 respondents experienced computer intrusions. Carnegie Mellon University's Computer Emergency Response Team (CERT) Coordination Center, which serves as a reporting center for Internet security problems, received 2,437 vulnerability reports in calendar year 2001, almost six times the number that were reported in 1999, just 2 years previously. Similarly, the number of specific incidents reported to CERT exploded from 9,589 in 1999 to 52,658 in 2001. Again, in 1999, about 9,500, to 52,000-plus incidents reported just 2 years later.

What is alarming is that CERT estimates that these statistics may represent only 20 percent of the incidents that have actually occurred.

A recent public opinion survey indicates that over 70 percent of Americans are concerned about computer security and 74 percent are concerned about terrorists using the Internet to launch a cyber-attack against our country's infrastructure. One survey shows that half—half—of all information technology professionals believe a major attack will be launched against the Federal Government in the next 12 months. Indeed, cyber-security is essential to both homeland security and national security. The Internet's security and reliability support commerce and information transfer of vital data in our economy, they support our critical infrastructures and, obviously, systems that protect our national defense. At a time when uncertainty threatens the confidence of our Nation's preparedness, the Federal Government needs to make the information and cyber-security issue a top priority.

Currently, federally funded research on cyber-security is less than \$60 million a year. Experts believe that fewer than 100 U.S. researchers have the experience and expertise to conduct cutting-edge research in cyber-security. In this past academic year, there were fewer than 30 U.S. citizens enrolled in Ph.D. cyber-security programs. Our legislation will encourage the kind of

research and programs that will motivate students to pursue Ph.D. degrees in cyber-security because students will have the opportunity to receive research grants with the National Science Foundation.

The Cyber Security Research and Development Act will play a major role in fostering greater research in methods to prevent future cyber-attacks and design more secure networks. Our legislation will harness and link the intellectual power of the National Science Foundation, the National Institute of Science and Technology, our Nation's universities, and the most creative minds in the private sector to develop new and improved computer cryptography and authentication, firewalls, computer forensics, intrusion detection, wireless security, and systems management.

In addition, our bill is designed to draw more college undergraduate and graduate students into the field of cyber-security research.

It establishes programs to use internships, research opportunities, and better equipment to engage students in this field. America is a leader in the computer hardware and software development fields. To preserve America's technological edge, we must continue to have new students involved in computer science study and research.

S. 2182 highlights the role the Federal Government will play in helping prepare and prevent against cyber-attacks, but only if we can ensure the cutting edge research and technology funded in this legislation is made commercially available. Clearly, there is an urgent need for the private sector, academic, and individual users, as well as the Federal and State governments, to deploy innovative security measures.

I am confident the Federal investment for long-term projects outlined in this legislation will yield significant results to enhance the security and reliability of cyberspace.

I am glad to see the Senate, in a rare moment in these last few weeks and months, has come together and passed this important legislation. Again, I thank my colleague from Oregon, Senator WYDEN, for his leadership. I have enjoyed working with him on successful passage of this positive and constructive legislation that will improve the security of Americans.

I am also grateful to the ranking member of the Judiciary Committee, Senator ORRIN HATCH of Utah, who thoughtfully suggested we add an assurance that the grants provided in this legislation will go to individuals who are in full compliance with all immigration laws.

I thank all my colleagues. It was a good team effort. In the future, our Internet and our cyber-security will be stronger for it.

I ask unanimous consent to print the following letter in the RECORD.

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