S. 2490

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2492

At the request of Mr. CLELAND, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2492, a bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

S. 2512

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. WYDEN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2528

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2528, a bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 2533

At the request of Mr. SMITH of Oregon, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2533, a bill to amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes.

S. 2544

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2544, a bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes.

S. 2545

At the request of Mr. DOMENICI, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 2545, a bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes.

S. 2569

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2569, a bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation.

S. 2570

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2577

At the request of Mr. FITZGERALD, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2577, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

S.J. RES. 10

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 242

At the request of Mr. THURMOND, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from California (Mrs. BOXER), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 242, a resolution designating August 16, 2002, as ''National Airborne Day.''

S. RES. 270

At the request of Mr. CAMPBELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as ''National Cystic Fibrosis Awareness Week.''

AMENDMENT NO. 3561

At the request of Ms. LANDRIEU, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Mississippi (Mr. LOTT), the Senator from Georgia (Mr. CLELAND), the Senator from Georgia (Mr. MILLER), the Senator from Alabama (Mr. SESSIONS), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of amendment No. 3561 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 3562

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 3562 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 2579. A bill to amend the Clean Air Act to limit access to off-site consequences analysis information in order to reduce the risk of criminal release from stationary sources, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOND. Madam President, today I am introducing a bill to help protect communities in Missouri and across the Nation from terrorist attack. Chemical plants in communities across America are perfect terrorist targets. Right now, the U.S. Government provides a virtual blueprint for attacks on these facilities to any member of the public who requests the information—on any terrorists frankly. The Community Protection From Chemical Terrorism Act will help protect communities from terrorists who would use sensitive information made public to destroy those communities.

There are 15,000 chemical facilities across the country. Facilities store and use potentially dangerous chemicals to make consumer products and keep us healthy. Chlorine, for example, is used by every family to whiten and brighten our clothes. Every child, every senior person, every family across America is able to drink clean water and avoid getting sick because of chlorine treatment.

However, we know that chlorine is a dangerous chemical if misused or abused. According to EPA, at least 123 plants each keep amounts of chemicals that if released, could form deadly vapor clouds that would put more than one million people in danger. A plant outside of Detroit projects that a rupture of one of its 90-ton rail cars of chlorine could endanger three million people. Even worse, an accident at a New Jersey plant in suburban New York City could cover a 14 mile radius affecting 12 million people.

Missouri is not spared from these dangers. In the Kansas City metropolitan area alone, there are over 100 plants filing reports to EPA on their potential chemical accidents.

I am holding back on the names and addresses of these facilities, but their identity and location is no secret to those who want to look. In fact, the law currently requires EPA to make this information available to the public. You do not even have to look, because the newspapers are publishing this information. Here is the front page of the Kansas City Star with a story ''Chemical Plants Ordered to Prepare for the Worst.'' The story describes how information on worst-case scenario accidents is publicly available to anyone who bothers to look.

The San Francisco Chronicle published a story entitled ''If All Hell Broke Loose.'' Here you see the newspaper not only describes the chemical facilities in Northern California, but provides a map of the location of the facilities and the radius of potential damage from a toxic release. This newspaper published not only the names and addresses of the facilities, but drew a map with their location and

the radius of destruction from a release. It helps the terrorists by showing just what radius of death and destruction would occur. This is the front page of a newspaper that is out there for anybody who wants to make a terrorist strike in San Francisco. This is published in May of 1999. I wonder, after September 11, they would still be so helpful.

The reason this is a problem is that this is exactly the type of information terrorists would use to plan and carryout an attack. Families in suburban San Francisco and across the country have a bulls eye on their communities because terrorists can use this publicly available information to target their attacks.

By law, the government requires chemical facilities to report to the government the hazardous chemicals they have on site and then predict the worst-case scenario for an accident with those chemicals. These Offsite Consequence Analysis or OCA reports include the type of chemical, the conditions under which a worst-case accident would occur, the distance a toxic cloud of chemicals might travel, the environmental or public receptors such as hospitals, schools or national parks in danger's way, and the number of people who would be harmed by an attack.

According to the FBI, this publicly available chemical facility information provides a ''blueprint for potential terrorist attack.'' A DOJ report analyzing the threat from terrorists abusing OCA information says:

> The distance that a toxic cloud might travel, the numbers of people who might be harmed, and the environmental or public receptors that could be affected are precisely the types of factors that a terrorist weighs when planning an attack.

Chemical facilities are exactly the type of target terrorists would attack to create mayhem and destruction. According to DOJ:

> Certain types of facilities that are required to submit OCA information are preferred terrorist targets. Many such facilities exist in well-populated areas, where a chemical release could result in mass casualties and would result in widespread destruction.

In a chilling confirmation of this, copies of U.S. chemical trade publications were found in one of the cave holes where Osama bin Laden had hidden. They found it with the other rat infestations in December.

Terrorists would have little problem searching through government collected OCA. According to DOJ, this data provides ''one-stop shopping for refined targeting information, allowing terrorists or other criminals to select the best targets from among the 15,000 chemical facilities that have submitted OCA data.'' Indeed, accessing this publicly available information is easy. In a single afternoon, my staff was able to search and find the top ten facilities across my home state of Missouri where terrorist attacks would produce the greatest number of casualties. By the end of the day, my staff had the names of the facilities, their street address, the name of the vulnerable chemicals, the conditions under which a worst-case scenario release would occur, the radius of harm caused by the attack, any safety or mitigation measures plants might use to control the release, and the number of people in the affected area who could be hurt.

It was shocking to me that Federal law makes information which terrorists could use to destroy communities available to any member of the public.

The argument goes that communities want to know about dangerous chemicals used and stored in their neighborhoods. That is a legitimate desire. The law further intends that members of the public use this information to pressure chemical facilities to remove dangerous chemicals or change their ways so that neighboring communities are not in danger from an accidental release. That also is a very legitimate concern.

Unfortunately, the terrorist attacks of September 11th show us that times are not so simple anymore. The threat from terrorist attack now outweighs the benefits of making this information public. We should be concerned about chemical facilities in our communities. However, our greatest concern must be protecting those communities from terrorist attack.

In a different time, the environmental policy concerns of making worst-case scenario chemical accidental data available to the public might have outweighed the security threats to our communities. Sadly, those times have passed. According to the Department of Justice, OCA worst-case scenario data continues to present a security threat. The threat from terrorists using OCA worst-case scenario data is even greater after the September 11th terrorist attacks. DOJ believes that legislation is necessary to further limit public access to dangerous OCA information.

Unfortunately, the current law does not protect our communities from terrorist attack. Congress amended the law concerning OCA information in 1999. That legislation, entitled the Chemical Safety Information and Site Security Act reversed EPA plans to post OCA information on the Internet. However, the law left the task of establishing specific regulations for publicizing OCA information to EPA and DOJ. Admittedly, the last administration did its work before the terrorist attacks of September 11th. It was a different time then. A legitimate argument was made that environmental policy concerns outweighed the need to protect communities from terrorist attacks.

However, even the restrictions EPA and DOJ devised to limit access to sensitive OCA information were quickly overcome by advocacy groups. This story in the New York Times describes how environmental advocates put OCA disaster data on the Internet. The caption here is, ''Getting around a law intended to avoid helping terrorists.'' My staff used one of these sites to help them determine the communities in Missouri most at risk from a terrorist attack. This is not fair to the communities that wish to avoid terrorist attacks. Further restrictions are necessary to protect our communities from terrorist attack.

The legislation I propose today strikes the best balance between allowing the public to monitor the actions of the chemical industry and protecting individual communities from terrorist attack. Official users engaged in official protection activities will have unrestricted access to OCA information. However, my bill will allow members of the public to view OCA data on chemical facilities without knowing their specific name and location. This will allow advocates to continue watching and pressuring the chemical industry at-large to make safety improvements without placing specific communities at risk of terrorist attack. For those environmental advocates that wish to play a role in a given community, this legislation specifically expands local emergency planning committees to include members of local and national environmental organizations. I recognize that these groups have a role to play in making our communities safer and hope they will accept this invitation to join in formal community protection activities.

Communities have much to fear from terrorist attack. According to DOJ, the risk of terrorists attempting in the foreseeable future to cause an industrial chemical release is both real and credible. We must not help those terrorists who want to destroy our communities. I urge my colleagues to support the Community Protection From Terrorism Act and look forward to working with you on its passage.

I ask unanimous consent that the bill be appropriately referred.

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

By Mr. WELLSTONE:

S. 2580. A bill to amend title 49, United States Code, to require the National Transportation Safety Board to investigate all fatal railroad grade crossing accidents; to the Committee on Commerce, Science, and Transportation.

Mr. WELLSTONE. Mr. President, I rise today to introduce the Fatal Grade Crossing Accident Investigations Act. The bill would require the National Transportation Safety Board, NTSB, to investigate the facts, circumstances and causes of all accidents at railroad grade crossings in which there is a fatality or substantial property damage.

With this bill, we can correct an important gap in our efforts to reduce such accidents. Under current law, NTSB investigations of grade crossing accidents are undertaken only in select cases, as highway accident investigations. The bill would consider grade

crossing accidents instead to be railroad accidents, which under current law already must be investigated if there is a fatality or substantial property damage.

We need better information on fatal grade crossing accidents so we can do more to prevent unnecessary loss of life. According to National Railroad Administration Safety Statistics, more than 4,000 accidents per year occur at grade crossings. In 2000, 425 of these resulted in fatalities. Most fatalities occur at what are called passive grade crossings, those offering no warning or signal to a motorist of an oncoming train. Of Minnesota's more than 8,000 railroad grade crossings, three-fourths are passive crossings. The safety of such passive crossings is substantially dependent on such factors as physical layout and the adequacy of the view for drivers of approaching trains. To make good safety choices, communities, transportation agencies and departments at the local, state and federal levels need better information. That is one reason site-specific accident information is so necessary.

NTSB investigations are essential not only to prevent future accidents, through recommendations on operating rules such as speed limits, warning or separation devices, improved signaling, signage, improvements for driver visibility and increased enforcement of stop signs at passive crossings. But their investigations often are also the only means of addressing the role of railroads and their personnel in accidents.

This important issue has been brought to my attention by two passionate rail safety advocates in Minnesota, Lillian and Gerry Nybo. I have worked closely with the Nybos, who have been at the forefront of a national movement, ''Citizens Against Railroad Tragedies.'' Their 18-year-old son, Gerry, Jr., was killed three years ago this week at an unguarded rail grade crossing in Audubon Township in Becker County, Minnesota. He has just graduated from high school, and his life was full of promise. He friend Ryan Nelson was killed in the same accident. This legislation is needed to give families such as the Nybos, who have lost family members, the results of investigation into the facts and causes of these accidents. It is in memory of Gerry Nybo, Jr. that I introduce this legislation today.

My hope in introducing this bill is to give communities the information they need to improve safety at dangerous intersections. I urge my colleagues to support the bill, and 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. 2580

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 ''Fatal Grade Crossing Accident Investigations Act''.

SEC. 2. GRADE CROSSING ACCIDENTS.

Section 1131(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking '', including a railroad grade crossing accident,''; and

(2) in subparagraph (C), by inserting '', including a railroad grade crossing accident,'' after ''railroad accident''.

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

The amendments made by section 2 shall take effect on the date of the enactment of this Act and shall apply with respect to railroad grade crossing accidents that occur on or after that date.

By Mr. LIEBERMAN:

S. 2582. A bill to require a report to Congress on a national strategy for the deployment of high speed broadband Internet telecommunications services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, in 1943, the chairman of a famous American electronics company said, ''I think there is a world market for maybe five computers.'' Good guess. Industry has repeatedly exceeded expectations like that one, and helped the American economy as a whole exceed expectations

New questions are now reverberating from Silicon Valley to Pennsylvania Avenue. How do we catch the next great wave of innovation and ingenuity to unleash the next great boom of productivity and opportunity? How do we find new ways to translate our enormous technological prowess into real economic progress for the American people?

I rise today to introduce what I believe will be a roadmap to revitalization. It's premised on the extraordinary promise of high-speed Internet to help us return to high-intensity growth; by revolutionizing the way we communicate and live our lives. Its goal is to highlight the challenges we face in tapping the transformative potential of broadband technology, to spur agreement on a national strategy for accelerating its development and deployment, and ultimately to help bring on what we all hope will be the broadband boom.

Our country's last big boom was fueled by the most reliable, resilient, and renewable source of energy around: America's creative genius. Government paved the road, first with R&D funding, then in the 1990s with sound budget policies, but it was our innovation industries that made it happen. In fact, the information technology sector, which made up only 4 percent of GDP, was responsible for a remarkable 30 percent of all economic growth between 1995 and 2000.

Today, America's high-tech industries, which have survived the big bust that followed the big bang of the 1990s, haven't lost their edge. Information technology and the innovation economy, for example, are still among our greatest national resources. But as we've emerged from recession, many businesses across the country have been increasingly concerned about our recovery. How strong will it be? How long will it last?

Many in Washington have recognized that broadband can and must be a big part of the solution. But most policymakers have been focusing on short-term obstacles to the next small jump in speed. I think we need a larger and longer vision here. We need to look over the horizon and ask what it will take to usher in advanced broadband that will make speeds of 10 to 100 megabits per second available all across the country, so that we can truly unleash the tremendous economic potential of this technology.

The science fiction writer Arthur C. Clarke once said, ''Any sufficiently advanced technology is indistinguishable from magic.'' Well, the next generation Internet passes that test. It has the ability to levitate productivity, make millions of jobs appear, and transport our economy into the future. And there won't be any sleight of hand involved. Sometimes, there won't even be wires attached.

In education, for example, universities, school districts, and private companies have already started rolling out impressive applications of advanced broadband. We're not just talking about streaming video with questions sent through instant messenger. Broadband can transform the very nature of instruction, right at the time when schools need more flexible and more powerful learning tools to meet higher standards.

In healthcare, the possibilities are equally exciting: hospitals without walls, instantaneous remote monitoring of patient vitals, comprehensive informatics databases that are available to professionals everywhere. We even saw the first remote surgery pioneered last fall, when two surgeons in New York operated on a patient in Strasbourg, France.

Indeed, advanced broadband's ability to both increase economic opportunities and improve society in so many fields, from law to finance, from entertainment to agriculture, and from homeland defense to international defense, are just astounding.

These days, computing power is expanding at an incredible rate. But networking speed is way behind computing speed. Industry can't make the best use of the computing potential that's available without the pipes that bring it home to consumers and businesses—including and especially small businesses. While we have some good arteries, we don't have the capillaries to carry data all the way.

I stand here today to say that we in government can't let this potentially fertile field of technology lie fallow. We need to make the most of this moment, in which the high-speed Internet is on the cusp of catalyzing a quantum leap in our economy. Which is to say, we need to lead, and seed.

Unfortunately, the case for making broadband deployment a priority of a

national economic strategy has yet to be understood adequately by government. The broadband buck is still stuck on the government's desk, and with it, thousands of new opportunities and millions of new jobs. Decisions are piling up: on spectrum, competition, rights management, spam, privacy, child protection, and more. These are important issues that need to be resolved, and they need to be resolved comprehensively, with an overarching vision.

Last week I released a white paper entitled Broadband: A 21st Century Technology and Productivity Strategy and today I introduce the National Broadband Strategy Act of 2002. The white paper analyzes the challenges. The legislation will compel us to meet them, requiring the Administration to develop a national broadband strategy within six months of passage.

Taken together, and working in conjunction with insightful leaders and groups in the tech community, I am confident these measures can spark the development and implementation of a coherent, cross-agency strategy to eliminate obstacles, create incentives, and encourage industry innovation.

In the upcoming months, I'll follow up this report and legislation with proposals on how to reach truly advanced broadband, the speed I mentioned before, upwards of 10 megabits per second. There is no focus on this need now, and that's where government particularly needs to lead and seed.

The follow-up legislation I'll propose in the coming months will call on the FCC to develop a regulatory framework to meet the challenges of the next generation Net: propose tax credits for the deployment of advanced broadband, encourage research and development on advanced broadband infrastructure that will enable this technology to reach into all the corners and crevices of the country, and present a program to incentivize research and development on major applications in areas where government plays a central role, including education, healthcare, and e-government.

The public sector cannot and should not manage this effort. Our future will fortunately be in the hands of thousands of individual innovators. Nor should the government be choosing winners and losers. To benefit consumers, government must be pro-broadband, but technology neutral about how business gets there, by encouraging innovation and maximizing competition. Government must clear the path so that business innovators can march forward.

I urge my colleagues to join me in supporting this important piece of legislation. I request unanimous consent that the introductory materials to my whitepaper and the text of the bill be printed in the RECORD. I note to my colleagues that the full text of the whitepaper is available on my web site, http://lieberman.senate.gov.

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

S. 2582

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 ''National Broadband Strategy Act of 2002''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States needs to develop a long-term investment and growth strategy that will restore the unprecedented gains in structural economic productivity with high employment growth experienced by the United States in the late 1990s.

(2) The gains in structural productivity with high employment growth in the late 1990s resulted from unprecedented investments in information and communication technology.

(3) It was the precipitous decline in these investments that took the United States economy into recession before September 11, 2001.

(4) The United States needs to focus on stimulating resurgence in these investments to regain vibrant growth in structural productivity and high employment growth.

(5) If productivity increases at the rate of 1.5 percent per year, the standard of living will double about every 46 years, or about every two generations. On the other hand, if productivity increases at the rate of 3 percent per year, the standard of living will double about every 23 years, or about every generation. This difference results from the so-called miracle of compounding. To take advantage of compounding, a long-term economic strategy for the United States must focus on structural productivity growth.

(6) Productivity growth has enabled American workers to produce 30 times as much in goods and services in 1999 as they produced in 1899, with only 5 times as many workers. This growth in productivity has increased the standard of living in the United States from $4,200 in 1899 to $33,740 in 1999 (expressed in 1999 dollars). Growth in structural productivity will bring about growth in wages and salaries, profits, and government tax receipts.

(7) The productivity gains of the United States in the late 1990s broke a 25-year trend. From the early 1970s to the mid-1990s, United States productivity grew sluggishly, at an annual rate of about 1.5 percent. During the final 5 years of the 20th Century, it grew at nearly double that rate.

(8) The high cyclical productivity growth the United States has experienced in 2001 and 2002 results for the most part from a reduction in employment and increased utilization of existing capacity.

(9) The United States needs a strategy to generate structural productivity growth arising from the development and deployment of new technology that enhances both efficiency and employment.

(10) The United States needs to prepare now for the retirement of the Baby Boom generation. If the United States does nothing regarding Social Security, it is estimated that by 2030 the annual shortfall between amounts in the Social Security Trust Fund and the amount required to meet obligations of the Fund will reach $814,000,000,000 (in 1999 dollars). The United States has approximately $7,4000,000,000,000 in obligations coming due, and it advisable to have our fiscal house in order, hopefully with no national debt, when these obligations must be paid. Restoring structural productivity and high employment growth is essential to ensure that the United States can honor these obligations.

(11) Making affordable, high speed broadband Internet connections of 10 Mbps-100 Mbps available to all American homes and small businesses has the potential to restore structural productivity and employment growth.

(12) High speed broadband Internet applications for voice, data, graphics, and video will revolutionize many aspects of life at home, school, and work. High speed broadband Internet will transform health care, commerce, government, and education. The benefits of a successful high speed broadband Internet deployment strategy to the quality of life and economy of the United States will be immeasurable.

(13) Traditionally, the United States is considered the world leader in the development and commercialization of new innovations and technologies. However, the United States lags far behind other countries in broadband deployment, including South Korea, Canada, and Sweden. By 2005, the United States is projected to fall to ninth place in broadband deployment, surpassed by Asian markets in Hong Kong and Singapore, the Scandinavian countries Denmark and Norway, and the Netherlands.

(14) The United States will need high speed broadband Internet for public health, education, and economic welfare, just as the United States now needs universal telephone service. High speed broadband Internet applications are capable of revitalizing the economy and solving countless problems for average Americans. The applications fall into the areas of e-education, e-health, e-commerce, e-government, and e-entertainment.

(15) The benefits that will arise from development and implementation of a national high speed broadband Internet strategy amply justify a priority for such a strategy. The Federal Government will act one way or another on many of the key policy issues affecting broadband deployment. The only question is whether it acts in accordance with a strategy, or piecemeal.

(15) Adopting a national strategy for broadband deployment is consistent with the strategies the United States has adopted to speed deployment of other essential infrastructure, including railroads, electric power, telephone service, and radio and television. Each of those technologies has been the focus of a national economic strategy. There is a consensus that the Northwest Ordinance, Morrill Land-Grant Act, and GI bill, and laws for transcontinental railroads, rural electrification, and the interstate highway system, embodied useful and successful strategies for the future of the United States.

(16) In facilitating high speed broadband Internet deployment, the United States should rely on markets and entrepreneurs and minimize the intrusion of government. Americans need to be creative and innovative when government acts to make sure that it provides value added.

(17) In crafting a comprehensive strategy to advance deployment of high speed broadband Internet, a broad range of policy options should be addressed, and the Administration needs to provide leadership in developing these options and establishing a priority among them.

SEC. 3. NATIONAL STRATEGY FOR HIGH SPEED BROADBAND INTERNET DEPLOYMENT.

(a) STRATEGY FOR INCREASING STRUCTURAL PRODUCTIVITY AND EMPLOYMENT GROWTH.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting

forth a strategy for the nation-wide deployment of high speed broadband Internet telecommunications services.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A goal for the deployment of broadband telecommunications services nationwide, including a goal regarding the speeds necessary to facilitate applications needed to stimulate structural productivity and employment growth.

(2) A proposal for policies to foster and maintain competition among firms offering broadband telecommunications service, including competition to deploy high speed broadband Internet of 10 Mbps-100 Mbps.

(3) A proposal for incentives to enhance demand for high speed broadband Internet telecommunications service, including demand for purposes of serving Federal mission areas such as homeland security, distance learning, health, scientific collaboration, and electronic commerce.

(4) A proposal for incentives to facilitate and enhance the supply of high speed broadband Internet telecommunications service.

(5) A proposal to enhance global electronic commerce.

(6) A proposal for the optimal allocation of Federal Government resources on research and development regarding high speed broadband Internet telecommunications service, including recommendations for the allocation and prioritization of Federal funds.

(7) A proposal for the optimal allocation of spectrum in furtherance of the deployment of high speed broadband Internet telecommunications service.

(8) An assessment of various limitations to the deployment of high speed broadband Internet telecommunications service, including matters relating to taxation, privacy, security, spamming, content, intellectual property, and rights-of-way, and proposals for eliminating or alleviating such limitations.

(9) An assessment of the impact of the proposals under this subsection on structural productivity and employment growth in the United States and on the international economic competitiveness of the United States.

(10) Any other proposals or matters on the deployment of high speed broadband Internet telecommunications services that the President considers appropriate.

(c) FORM.—The report under subsection (a) shall include a draft proposal of any legislation required to implement the goal described in paragraph (1) of subsection (b), and of any of the proposals set forth under paragraphs (2) through (8) and (10) of that subsection (b).

BROADBAND: A 21ST CENTURY TECHNOLOGY AND PRODUCTIVITY STRATEGY

(From the Office of Senator Joseph I. Lieberman, May 2002)

Over one hundred and fifty years ago, a new technology emerged that grabbed the imaginations of the public and the purse strings of investors. It was a technology that promised to bring people closer together and to greatly stimulate the economy of that time. In order to succeed, that new technology required that the land be crisscrossed with a network upon which news could be carried and goods could be traded.

Bankers funded hundreds of startup companies that were built to take advantage of the new network. Investors clamored to purchase shares at rapidly rising prices. And then, after little more than a decade of overbuilding the infrastructure, it all fell apart as shares plunged 85% and hundreds of businesses and banks went under.

The technology was steam-driven railroad and this is the story told in the May 13th issue of Business Week. The analogies to the Information Technology boom of the 1990s are unmistakable and the lessons are invaluable. But the most important part of the story is what happened after the railroad bubble burst.

Within two decades, railroads were carrying four times as many people as they had at the height of the boom. The tracks were cleared, leaving the most solid companies and the best of the rail technologies to survive. According to W. Brian Arthur, an economist at the Santa Fe Institute, the survivors then developed new strategies that resulted in the industry's greatest growth and had the greatest impact on business and society of that time.

We now find ourselves in the same situation that the railroads were in as they developed their new strategies, except the technology is now broadband. It is clear that broadband will revolutionize business and society in our time, just as the railroads did in theirs. But it is also a confusing time, as many different interests emerge with many different agendas. The issues to be faced are many and they are complex. For some, there will be no easy answers. But it is time for us to have a national strategy that addresses these issues in a coherent and comprehensive manner.

My staff has assembled this report over the past ten months with extensive input from industry, academia, and government. It was no small undertaking and I particularly thank Skip Watts and Chuck Ludlam of my office. While there have been numerous bills offered in Congress dealing with isolated components of broadband policy, this report is the first to identify the full range of issues that must be considered as part of a national broadband strategy designed to stimulate economic expansion.

As the first in a series of legislative initiatives, I will introduce the National Broadband Strategy Act of 2002 next week. This bill highlights the need for a carefully planned national strategy to provide universal availability of broadband and to motivate research and advances in broadband applications and content. It calls upon the Administration to recommend a coherent, cross-agency national broadband strategy in a series of key government policy areas, to Congress.

I want to emphasize that while there is an ongoing competitive scramble to reach the lower broadband speeds, we need to also pay real attention to advanced broadband and to attaining those much higher speeds. The report's Executive Summary identifies four key elements that will be integral to advanced broadband deployment. The elements include an FCC regulatory plan, tax incentives, research on advanced infrastructure technology, and deployment of applications.

As with the railroads of the mid–1800s, broadband is now poised to whistle in a new period of economic growth. We must do all that we can to nurture this emerging technology and to stimulate the development of new killer applications in the fields of education, medicine, government, and science. Commerce and entertainment will not trail far behind. The tracks of rail are now the ''pipes'' of broadband.

EXECUTIVE SUMMARY

Broadband deployment must become a national priority. Major economic growth and productivity gains can be realized by making affordable high-speed broadband Internet connections—which are already enjoyed by many universities and large businesses—widely available to American homes, schools, and small businesses.

In a soft economic climate with limited prospects for near-term recovery, broadband deployment is a necessary condition for the restoration of capital spending in the information technology sector. Such investments were the critical drivers of the non-inflationary growth that characterized the late 1990s. Broadband, which can play a pivotal role in encouraging investments in information technology, has the potential to transform education, health care, government, entertainment, and commerce.

Of course, embracing broadband as a vehicle for economic growth raises the question, ''How fast is fast enough for truly advanced emerging applications?'' The telecom, cable, and satellite industries are now providing Internet access at speeds typically less than 1.5 megabits per second (Mbps). A review of existing and likely technologies, however, suggests that we have only achieved the first level of broadband speeds. On the foreseeable horizon are technologies that offer advanced broadband speeds of 10 Mbps in the near-term, and 100 Mbps in the medium-term. A national strategy needs to focus on this advanced broadband opportunity. Arguably, it will be at these advanced speed ranges that the greatest benefits from broadband will come.

A successful strategy to accelerate the deployment of broadband will lead to immeasurable benefits to the quality of life and economy of the American people. But a successful strategy must encompass various issues in a comprehensive and coherent manner, and the debate must not become mired in any one debate. What we need is a sensible, intelligent approach that addresses the full range of issues within the context of an interrelated framework, not the piecemeal process that has brought us to the present confusion and controversies.

This strategy must recognize a truth that sometimes becomes lost in the multiplicity of debates over such issues as the regulation of telephone and cable companies. What is overlooked—and must be recognized—is that demand will drive the next phase of broadband expansion. Strong demand from consumers, smaller businesses, and even big businesses that currently have high-speed Internet connectivity, will produce a cycle of innovation and growth. But demand, in turn, requires that applications of real value be developed. It requires, in other words, ''killer applications'' that justify, in the minds of consumers, the price of progressively faster broadband connections.

The private sector will need to invest hundreds of billions of dollars before widespread broadband access becomes a reality. Government nevertheless has an important role to play as broadband suppliers face novel challenges in the areas of Internet privacy, security, spam, copyright protection, spectrum allocation, and rights-of-way. It is vital that, in these and other areas, government remain ''technology-neutral'' and that competition between the delivery technologies exist alongside competition within the technologies. This will allow the best and most cost-effective delivery systems to emerge, meeting the varied needs of different people and different regions across this diverse country.

There are, however, many ways that government, through a national strategy, can accelerate the life cycle of development and competition for emerging broadband technologies. It can do so by stimulating both the demand and supply side of broadband deployment. On the demand side, government should lead the way in generating demand by expanding e-government services to the public and to businesses, and by supporting the development of broadband tools for e-education and e-healthcare. E-entertainment

and e-commerce will be quick to take advantage of the expanded services, and renewed economic growth will surely follow. On the supply side, government can consider such tools as tax credits, loans, and grants for a wide variety of research, deployment, and broadband utilization activities.

As the first in a series of legislative initiatives, Senator Lieberman will introduce the National Broadband Strategy Act of 2002. This bill highlights the need for a coherent and comprehensive national strategy for providing widespread availability of broadband and for motivating research and advances in broadband applications and content. Because broadband implementation has been piecemeal, and stalled in significant part because numerous government agencies have failed to act quickly in deciding a wide range of broadband issues now pending before them, the bill calls upon the Administration to recommend a coherent, cross-agency national broadband strategy in a series of key government policy areas.

Parallel to that, and focusing on how we will get to truly advanced broadband speeds (in the range of 10 Mbps and 100 Mbps), Senator Lieberman will introduce over the next few months a series of substantive pieces of legislation addressing four key elements integral to a national strategy for advanced broadband deployment. The key elements are:

(1) FCC Regulatory Framework: Direct the FCC to explore all of the broadband deployment and delivery technology options to enable us to reach advanced broadband speeds. Retaining technological neutrality, the FCC will be asked to develop the regulatory framework to enable and implement a plan to deploy this advanced Internet capability.

(2) Tax Credits: Establish tax credits and incentives for a range of advanced broadband deployment and broadband utilization efforts. These could include credits for infrastructure deployment, equipment implementation, employee utilization, installation in atypical settings, and innovative applications.

(3) Advanced Infrastructure R&D: Ensure that fundamental R&D issues are tackled in a coordinated manner to overcome the scientific and technological barriers to advanced widespread broadband deployment. The U.S. has already established successful interagency and interdisciplinary initiatives under the National Information Technology Research & Development Program to advance critical IT technologies. We must leverage our existing expertise in these programs to resolve fundamental obstacles to effective broadband deployment and hasten the next generation of technologies. A cooperative R&D program, including government, industry and universities, will be critical to advanced broadband.

(4) Application R&D and Deployment: Require federal agencies to undertake R&D and promote the development and availability of major applications in areas where government plays a central role, including e-education, e-medicine, e-government, e-science and homeland security. This could stimulate demand for broadband and promote bridging of the digital divide consistent with the missions of government agencies. And the government should lead by example in moving to expand opportunities for broadband-based e-commerce in federal procurement, bidding, and contracting.

While time and technology will not stop, and our nation's eventual transformation into a broadband society will occur regardless of what steps are taken today, it is ours to choose whether we will be dragged into the next digital age resisting change, or whether we lead others into a new era of economic promise. If we are to take control of our future, we must begin by harnessing the power of broadband as a necessary tool for navigating a world increasingly defined by the speed with which information changes and grows.

By Mr. CORZINE (for himself and Mrs. CLINTON):

S. 2583. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

Mr. CORZINE. Mr. President, I rise today along with Senator HILLARY RODHAM CLINTON to change the way the Veteran's Administration defines low-income veterans by taking into account variations in the cost of living in different parts of the country. The Corzine-Clinton legislation would make the Veteran's Equitable Resource Allocation just that: Equitable.

More specifically, this bill would replace the national income threshold for consideration in Priority Group 5, currently $24,000 for all parts of the country, with regional thresholds defined by the Department of Housing and Urban Development. This simple but far-reaching proposal would help low income veterans across the country afford quality health care and ensure that Veterans Integrated Service Networks or VISNs receive adequate funding to care for their distinct veterans populations.

Our Nation's veterans have made great sacrifices in defense of American freedom and values, and we owe them a tremendous debt of gratitude. The United States Congress must ensure that all American veterans, veterans who have sweated in the trenches to defend liberty, have access to quality health care.

In 1997, Congress implemented the Veterans Equitable Resource Allocation system, or VERA, to distribute medical care funding provided by the VA. The funding formula was established to better take into account the costs associated with various veteran populations. Unfortunately, the VERA formula that was created fails to take into account regional differences in the cost of living, a significant metric in determining veteran healthcare costs. This oversight in the VERA formula dangerously shortchanges veterans living in regions with high costs of living and elevated health expenses.

To allocate money to the Veterans' Integrated Service Networks, VISNs, VERA divides veterans into seven priority groups. Veterans who have no service-connected disability and whose incomes fall below $24,000 are considered low income and placed in Priority Group 5, while veterans whose incomes exceed this national threshold and qualify for no other special priorities are placed in Priority Group 7c.

Using a national threshold for determining eligibility as a low-income veteran puts veterans living in high cost areas at a decided disadvantage. In New Jersey, HUD's fiscal year 2002 standards for classification as ''low-income'' exceed $24,000 per year in every single county. And some areas exceed the VA baseline by more than 50 percent. Similarly, HUD's ''low-income'' classification for New York City is set at $35,150 and for Nassau and Suffolk Counties, at $40,150.

As a result, regions that have a high cost of living, like VISN 3, which encompasses substantial portions of New Jersey and New York, tend to have a reduced population of Priority Group 5 veterans and an inflated population of Priority Group 7c veterans.

The fundamental inequity of the VERA formula is apparent when you consider that VERA allocations do not take into account the number of veterans classified in Priority Group 7c. With the costs associated with veterans in Priority Group 7c not considered as part of the VERA allocation, and with high cost of living areas possessing inflated populations of Priority Group 7c vets, high cost regions must provide care to thousands of veterans without adequate funding.

This additional financial burden on VISNs with large populations of veterans in Priority Group 7c has had a tremendous impact on VISN 3. Since FY 1996, VISN 3 has experienced a decline in revenue of 10 percent. As a result of the tremendous shortfall in the VISN 3 budget, the VA cannot move forward with plans to open clinics in various locations, including prospective clinics in Monmouth and Passaic Counties. Consequently, veterans in VISN 3 are forced to wait for unreasonably long periods to receive medical care and travel long distances to existing clinics.

Furthermore, miscategorizing which vets qualify as Priority Group 5 unjustifiably reduces access to medical care for thousands of veterans. Under existing rules, veterans placed in Priority Group 7c must provide a copayment to receive medical care at a VA medical facility; Veterans placed in Priority Group 5 receive medical care free of charge. Under the existing framework, low-income vets in high cost areas are often inappropriately placed in Priority Group 7c, and are forced to provide a copayment.

Recent studies by both the Rand Institute and the General Accounting Office identify this flaw in the VERA formula and recommend a geographic means test like the one provided in our legislation to improve the allocation of resources under VERA. Such a test would ensure that the VERA formula allocation better reflects the true costs of VA healthcare in the various VISNs in the United States.

Our legislation would make a simple adjustment to the VERA formula to account for variations in the cost of living in different regions. The bill would help veterans in high cost areas afford VA health care and guarantee that VISNs across the country receive

adequate compensation for the care they provide.

I hope my colleagues will join Senator CLINTON and me in supporting this important bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2583

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

SECTION 1. DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PRIORITY FOR CERTAIN LOW-INCOME VETERANS BASED UPON REGIONAL INCOME THRESHOLDS.

(a) CHANGE IN PRIORITY CATEGORY.—Section 1705(a) of title 38, United States Code, is amended—

(1) in paragraph (5)—

(A) by inserting ''(A) who are'' after ''Veterans'';

(B) by inserting ''and'' after ''through (4)''; and

(C) by inserting before the period at the end the following: '', or (B) who are described in section 1710(a)(3) of this title and are eligible for treatment as a low-income family under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) for the area in which such veterans reside, regardless of whether such veterans are treated as single person families under paragraph (3)(A) of such section 3(b) or as families under paragraph (3)(B) of such section 3(b)'';

(2) by striking paragraph (7); and

(3) by redesignating paragraph (8) as paragraph (7) and in that paragraph by striking ''paragraph (7)'' and inserting ''paragraph (5)(B)''.

(b) CONFORMING AMENDMENT.—Section 1710(f)(4) of such title is amended by striking ''section 1705(a)(7)'' and inserting ''section 1705(a)(5)(B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 2, 2002.

Mrs. CLINTON. Mr. President, I rise today, along with Senator CORZINE, to introduce legislation to remedy the gross disparity in the distribution of Federal dollars to provide health care services to our nation's veterans around the country.

The source of the gap is a formula that does not sufficiently take into account the needs of all facilities, effectively unfairly penalizing states in the Northeast and Midwest. And New York has lost tens of millions of dollars as a result. The bill we're introducing today would provide increased funding for networks in high-cost of living areas, like New York and New Jersey, and help low-income veterans afford quality health care.

In 1997, to repair geographic inequities in the distribution of VA allocations, the Federal government put in place the Veterans Equitable Resource Allocation, VERA, system. As I noted in a letter I sent to VA Secretary Anthony Principi on this issue in March, the VERA formula was intended to better meet the needs of the large number of veterans who flocked to the South. As a General Accounting Office, GAO, report released in February 2002 makes clear, however, the 6-year-old formula has resulted in disparities and cutbacks in health services for veterans in the Northeast and Midwest. Veterans' hospitals in these regions lost a staggering $921 million.

The VERA formula is flawed for a number of reasons. First, the formula, which is based on the number of veterans, does not take into account the differences in various patient health care needs within different networks. As the GAO report states, the formula ''excludes about one-fifth of VA's workload in determining each network's allocation.'' These are veterans who do not have service-related disabilities and whose incomes fall within a low-priority range, called ''Priority 7''.

Although this group is considered a low-priority, these individuals represent a growing percentage of the veteran population who seek care at VA facilities. From fiscal year 1996 through fiscal year 2001, the number of veterans with incomes within this range increased from 4 percent to 22 percent of the total caseload. However, the formula has not been adjusted to reflect the dramatic increase in these ''Priority 7'' cases, leaving many networks without the resources to meet the growing demand.

Further, the formula does not accurately reflect the higher cost of medical care in the Northeast. Because VA hospitals in New York City, and Nassau and Suffolk counties are situated in a high cost of living area, they tend to have an inflated number of Priority Group 7 veterans. VA health networks in high cost regions provide care to thousands of veterans without sufficient funding to do so. Additionally, taking into account the regional cost of living would relieve many Priority 7 veterans of the burden of making a copayment.

Finally, the number of veterans treated nationally over the last several years rose 47 percent, with all VA networks contributing to that increase. As I noted to Secretary Principi, a rise in patient caseloads spread across the health network should dictate an equitable distribution of funding. The GAO's recommendations can be reduced to one simple goal: ''comparable resources for comparable workloads.'' Any delay in fixing this formula, the GAO stated, means that approximately $200 million in veterans' health funding annually would be allocated unjustly.

One of my State's newspapers, the Poughkeepsie Journal, reported that Secretary Principi agreed with the GAO's assessment of the formula but wanted to conduct another study of hospital workloads and patient needs before taking action. I strongly believe sufficient time has already been devoted to studying this issue. I urge Secretary Principi to take specific actions now to carry out the recommendations outlined in the GAO's report.

The courageous service and sacrifice of our Nation's veterans in defense of our nation and our democratic values should never be forgotten. Fulfilling our promise to provide for their health care needs is an important part of the enduring bond that we share. I urge my colleagues to support our legislation to remedy this unfair formula so that all of our nation's veterans have access to the health services they deserve.

By Mr. ALLARD (for himself, Mr. MILLER, and Mr. CRAPO):

S. 2584. A bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnerships Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I rise to introduce the American Dream Downpayment Act, which will help thousands of families achieve the American Dream of homeownership. The rate of homeownership in the United States has risen steadily over the past few years. However, for many working families, low-income families, women-headed households, minorities, urban dwellers and young families the dream of homeownership remains elusive.

While Americans enjoy the world's greatest opportunities for becoming homeowners, only 46 percent of African-American and Hispanic families own their homes as compared to 74 percent of non-Hispanic whites who own their homes. For many of these families, the biggest barrier to homeownership is their inability to afford downpayment requirements and closing costs.

To help eliminate the gaps in homeownership achievement, I am introducing the American Dream Downpayment Act. This legislation will help 40,000 families annually, focusing on low-income families who are first-time homebuyers. The American Dream Downpayment Fund will provide communities across America with $200 million in grants to help homebuyers with the downpayment and closing costs.

The American Dream Downpayment Fund, which will be administered as a part of HUD's existing HOME Investment Partnerships Program, HOME, will make more than 400 State and local governments eligible to receive the $200 million in grant funding to help more families achieve the American Dream of homeownership.

The positive effects of homeownership exist on many levels: homeownership has public benefits in the form of neighborhood stability, individual benefits in the form of the financial rewards that come from the appreciation of equity in a home over time, and personal benefits that stem from the satisfaction of attaining a goal, the pride of ownership, and a greater sense of security. In addition to these affirmative impacts of homeownership, the Homeownership Alliance released findings of a study revealing that children living in owned homes had nine percent higher achievement in mathematics and

seven percent higher achievement in reading.

I look forward to working with my colleagues in the Senate on the American Dream Downpayment Act. I believe this legislation will be critical in helping more families achieve the American Dream of homeownership.

I ask unanimous consent 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. 2584

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 ''American Dream Downpayment Act''.

SEC. 2. DOWNPAYMENT ASSISTANCE INITIATIVE UNDER HOME PROGRAM.

(a) DOWNPAYMENT ASSISTANCE INITIATIVE.—Subtitle E of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821) is amended to read as follows:

''Subtitle E—Other Assistance

''SEC. 271. DOWNPAYMENT ASSISTANCE INITIATIVE.

''(a) GRANT AUTHORITY.—The Secretary may make grants to participating jurisdictions to assist low-income families to achieve homeownership, in accordance with this section.

''(b) ELIGIBLE ACTIVITIES.—

''(1) IN GENERAL.—Grants made under this section may be used only for downpayment assistance toward the purchase of single family housing by low-income families who are first-time homebuyers.

''(2) DEFINITION.—For purposes of this subtitle, the term 'downpayment assistance' means assistance to help a family acquire a principal residence.

''(c) HOUSING STRATEGY.—To be eligible to receive a grant under this section for a fiscal year, a participating jurisdiction shall include in its comprehensive housing affordability strategy submitted under section 105 for such year, a description of the use of the grant amounts.

''(d) FORMULA ALLOCATION.—

''(1) IN GENERAL.—For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this section for the fiscal year in accordance with a formula, established by the Secretary, that considers a participating jurisdiction's need for and prior commitment to assistance to homebuyers.

''(2) ALLOCATION AMOUNTS.—The formula referred to in paragraph (1) may include minimum and maximum allocation amounts.

''(e) REALLOCATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if any amounts allocated to a participating jurisdiction under this section become available for reallocation, the amounts shall be reallocated to other participating jurisdictions in accordance with the formula established pursuant to subsection (d).

''(2) EXCEPTION.—If a local participating jurisdiction failed to receive amounts allocated under this section and is located in a State that is a participating jurisdiction, the funds shall be reallocated to the State.

''(f) APPLICABILITY OF OTHER PROVISIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this section, grants made under this section shall not be subject to the provisions of this title.

''(2) APPLICABLE PROVISIONS.—In addition to the requirements of this section, grants made under this section shall be subject to the provisions of title I, sections 215(b), 218, 219, 221, 223, 224, and 226(a) of subtitle A of this title, and subtitle F of this title.

''(3) REFERENCES.—In applying the requirements of subtitle A referred to in paragraph (2)—

''(A) any references to funds under subtitle A shall be considered to refer to amounts made available for assistance under this section; and

''(B) any references to funds allocated or reallocated under section 217 or 217(d) shall be considered to refer to amounts allocated or reallocated under subsection (d) or (e) of this section, respectively.

''(g) ADMINISTRATIVE COSTS.—Notwithstanding section 212(c), a participating jurisdiction may use funds under subtitle A for administrative and planning costs of the jurisdiction in carrying out this section, and the limitation in section 212(c) shall be based on the total amount of funds available under subtitle A and this section.

''(h) FUNDING.—

''(1) FISCAL YEAR 2002.—This section constitutes the subsequent legislation authorizing the Downpayment Assistance Initiative referred to in the item relating to the 'HOME Investment Partnerships Program' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Public Law 107–73; 115 Stat. 666).

''(2) SUBSEQUENT FISCAL YEARS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2003 through 2006.''.

(b) RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.—Subtitle F of title II of the Cranston-Gonzalez National Affordable Housing Act is amended by inserting after section 290 (42 U.S.C. 12840) the following:

''SEC. 291. RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.

''The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 shall not apply to downpayment assistance under this title.''.

SEC. 3. REAUTHORIZATION OF SHOP PROGRAM.

Section 11(p) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by striking ''such sums as may be necessary for fiscal year 2001'' and inserting ''$65,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal year 2004''.

SEC. 4. REAUTHORIZATION OF HOPE VI PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 24(m)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437v(m)(1)) is amended by striking ''$600,000,000'' and all that follows through ''2002'' and inserting the following: ''$574,000,000 for fiscal year 2003''.

(b) SUNSET.—Section 24(n) of the United States Housing Act of 1937 (42 U.S.C. 1437v(n)) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2003''.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2585. A bill to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, today I introduce this bill, Spirit Lake and Twin Lakes Omitted Lands Act of 2002 to help resolve a land ownership problem that affects over 400 private property owners and homeowners located around Spirit Lake and Twin Lakes in Kootenai County, ID.

In 1880, a public land survey prepared under contract with the General Land Office, grossly misrepresented portions of the actual lakeshore of the two lakes. The surveys show the meander lines along the lakes up to one-half mile away from their actual location. The errors were not discovered until recently. Over the years, the shorelines of these popular lakes have become heavily developed and property owners have purchased their property and held it in good faith ownership. Most of the property owners affected by this situation have a chain of title that goes back over 100 years. Due to the inaccuracy of the original government survey, county officials have expressed concern regarding their inability to approve and regulate new developments, surveys, permits, etc. The Bureau of Land Management, the responsible Federal agency, has determined that it has no interest in the affected land and wishes only to remove the cloud on the titles.

Under current federal law the Bureau of Land Management (BLM) would be required to conduct a resurvey to properly describe the land. Much of this land would then become ''omitted land'' and would revert to federal ownership. Landowners who already paid fair market value for the land would then have to re-purchase it, along with paying a $50 application fee, and paying for the appraisal, survey, and conveyance costs.

Obviously, this is not an acceptable solution and does not provide the most equitable benefit to the public, so Senator CRAPO and I are introducing this legislation. A companion bill is being offered in the House of Representatives by Mr. OTTER. This legislation will authorize funds for the BLM to resurvey the land and direct the BLM to issue disclaimers of interest to all of the affected property owners. This is the only acceptable solution and one that keeps the landowners whole.

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. 2585

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

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The meander lines in the original surveys by John B. David, deputy surveyor, of two lakes in the State of Idaho, Spirit Lake, formerly known as Lake Tesemini, located in T. 53 N., R. 4 W., Boise Meridian, and Twin Lakes, formerly known as Fish Lake, located in T. 52 N. and T. 53 N., R. 4 W., Boise Meridian, do not reflect the current line of ordinary high water conditions.

(2) All lands adjacent to the original meander lines have been patented.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to issue a recordable disclaimer of interest by the

United States to any omitted lands or lands lying outside the record meander lines in the vicinity of the lakes referred to in subsection (a).

SEC. 2. DEFINITIONS.

In this Act:

(1) RECORDABLE DISCLAIMER OF INTEREST.—The term ''recordable disclaimer of interest'' means a document recorded in the county clerk's office or other such local office where real property documents are recorded, in which the United States disclaims any right, title, or interest to those lands found lying outside the recorded meander lines of the lakes referred to in section 1(a)(1), including omitted lands, if any.

(2) OMITTED LANDS.—The term ''omitted lands'' means those lands that were in place on the date of the original surveys referred to in section 1(a)(1) but were not included in the survey of the township and the meander lines of the water body due to gross error or fraud by the original surveyor.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. SURVEYS.

The Secretary shall—

(1) conduct a survey investigation of the conditions along the lakeshores of Spirit Lake and Twin Lakes in the townships referenced in section 1(a); and

(2) after the completion of the survey investigation, resurvey the original meander lines along the lakeshores, using the results of the survey investigation.

SEC. 4. DISCLAIMER OF INTEREST IN LANDS ADJACENT TO SPIRIT LAKE AND TWIN LAKES, IDAHO.

Upon acceptance and approval of the surveys under section 3 by the Secretary, the Secretary shall—

(1) prepare a recordable disclaimer of interest with land descriptions, using the lot or tract numbers of the omitted lands, if any, and lands lying outside the record meander lines, as shown on the survey plats; and

(2) record such recordable disclaimer of interest simultaneously with the filing of the surveys.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $400,000 to carry out this Act. Funds appropriated to carry out the purposes of this Act may be available without fiscal year limitation.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2587. A bill to establish the Joint Federal and State Navigable Waters Commission of Alaska; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill that will help rectify a long-standing problem that adversely affects an array of citizens, landowners, and government entities in Alaska. The Alaska Navigable Waters Commission legislation will create a joint Federal-State commission to establish a process to facilitate determinations of the navigable status of lakes, rivers, and streams in Alaska. This is a vital step in determining the ownership of the riverbanks and submerged lands.

Under the Equal Footing Doctrine and the Submerged Lands Act, every state gains title to the submerged lands that underlie navigable waterways within its borders upon entering the Union. Or, I should say, is supposed to gain title. For decades now, the State of Alaska has been in the unique position of having unresolved navigability determinations for tens of thousands of waterways around the state. This leaves not only the ownership status in limbo but causes unnecessary jurisdictional problems and headaches. This is an intolerable position for Alaskans.

In fact, since Alaska became a State in 1959, only 13 of its more than 22,000 rivers have been determined to be navigable, and the status of well over one million lakes has been left in question. The only recourse available to the State has been to pursue litigation against the United States, a time-consuming, expensive, and unwarranted requirement.

To date, the Federal Government has been unwilling to sit down with the State and make these determinations, even though for the vast majority of these waterways, no reasonable person could disagree as to the navigability of the waters under well-established legal standards.

I want to stress to my colleagues that this bill does not change in any way the legal criteria for navigability determinations. Those have been well settled in a body of Federal case law, led by the Gulkana decision, that stands undisturbed by this legislation. What the bill does is create a joint, Federal-State body to engage in dialogue that will help to resolve these long-standing disputes, and bring Alaska the same legal rights enjoyed by its 49 sister States.

Creating a joint commission to resolve thorny Federal-State issues is not a novel concept. In 1971, the Congress and the State of Alaska created a joint commission to assist in the land-use planning process created under the Alaska Native Claims Settlement Act. This process streamlines communication between the State and Federal governments, and creates an infrastructure for ongoing negotiation over difficult issues. It also obviates the need for litigation over the status of those waterways where agreement can be reached. I think we all can agree that anything that reduces the need for litigation is a good thing.

The Alaska legislature has considered companion legislation, introduced by the Senate President, Rick Halford, and the Speaker of the Alaska House, Brian Porter. That legislation has now been approved by both houses of the legislature. We should enact Federal legislation so that we may join the State of Alaska in seeking to rectify the problem.

I encourage my colleagues to support this bill. Under the Equal Footing Doctrine, Alaska is supposed to enjoy the same rights and privileges as all other states. This bill is another important step in making that national principle a reality.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2588. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to protect those living along the California-Mexican border from harmful power plant emissions.

This bill, which Congressman DUNCAN HUNTER is also introducing today in the House of Representatives, will prevent power plants built in Mexico from using natural gas from the United States, unless firms operating these plants agree to comply with California's air pollution standards.

Currently there are two new power plants planned for Mexicali, Mexico, a city right across the border from Imperial County, California. Imperial County is the region in Southern California impacted most by pollution in Mexico. And since the county has some of the worst air quality in the United States and one of the highest childhood asthma rates in the State, I believe these new plants must meet California emission standards.

One of the Mexicali plants, which is being built by Sempra Energy, will have pollution mitigation technology to minimize the impact of air pollution on the residents of the Imperial Valley. However, the other plant, to be built by InterGen, will not.

I am introducing this legislation today to make sure any plant that comes online along the California-Mexican border meets the same air quality standards as plants in California.

The residents of Imperial County and the entire Southern California region deserve nothing less.

I have heard from many constituents in Southern California concerned about the InterGen plant and local officials in Imperial County are adamantly opposed to the InterGen plant because the company has refused to install pollution control devices on all four operating units.

This legislation will ensure energy plants along the border employ the best technology available to control pollution and protect the public health for residents of Southern California and other border regions in a similar situation.

The bill will prohibit energy companies from exporting natural gas from the United States for use in Mexico unless the natural gas fired generators south of the border meet the air standards prevalent in the United States. This will effectively cut power plants off from their natural gas supply if they do not meet higher emissions standards.

This legislation will not constrain power plants that were put online prior

to January 1, 2002. It will apply to plants built after the new year and projects that come online in the future.

This bill will only apply to power plants within 50 miles of the U.S.-Mexican border.

And the legislation will only apply to power plants that generate more than 50 megawatts of power. We do not want to block any moves to replace dirty diesel back-up generators with cleaner natural-gas fired small power sources.

The bill calls for collaboration between the Secretary of Commerce and the Administrator of the Environmental Protection Agency to determine if a power plant is in compliance with relevant emission standards.

I support the development of new energy projects for California because I believe we need to bring more power online. However, I do not believe the fact that we need more power in California should allow companies to take advantage of this need and use it as an excuse to devote less attention to clean air and public health.

It is not unreasonable to ensure that companies making money in the California energy market meet strict environmental standards. This legislation is meant to strike a balance between promoting new sources of energy south of the border and protecting the environment throughout the border region. It is not a final resolution of these cross-border issues, but I believe it is a good first step.

By Mr. MURKOWSKI:

S. 2589. A bill to provide for the prohibition of snow machines within the boundaries of the ''Old Park'' within the boundaries of Denali National Park and Preserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, today I am introducing legislation to resolve the issue of snowmobile access in Denali National Park in my home State of Alaska.

Denali National Park and Preserve encompasses just under 5 million acres in the interior of Alaska, including North America's highest mountain, 20,320-foot Mount McKinley. Large glaciers of the Alaska Range, caribou, Dall sheep, moose, grizzly bears and timber wolves live within this great landscape.

The original Mt. McKinley National Park was created on February 26, 1917 and additional acreage was added in 1922 and 1932, bringing the park size to 1.9 million acres. In September of 1978 a separate Denali National Monument was proclaimed. In 1980, Congress enacted the Alaska National Interest Lands Conservation Act, ANILCA. ANILCA incorporated Mt. McKinley National Park and the National Monument to create the 4.7, plus million acre Denali National Park and Preserve.

Section 1110(a) of ANILCA, mandates motorized vehicle access for the purpose of engaging in traditional activities in specific conservation system units. However, the National Park Service recently redefined ''traditional use,'' and instead ordered the ''old Mt. McKinley National Park closed to snowmobiles, which common sense dictates are motorized vehicles.

For the past two years,this closure has been before the Federal Courts in Alaska in litigation filed by the International Snowmobile Manufactures Association and the Alaska State Snowmobilers Association against the Department of the Interior and the National Park Service.

A few months ago, the plaintiffs dismissed their suit against the Government, and, with the approval of the Department of Justice, both parties are seeking a more reasoned legislative solution to address the access issue once and for all.

This legislation provides such a solution, it addresses snowmobile access in the 1.9 million acre ''Old Park'' by permanently excluding approximately 1.5 million acres north of the Alaska Range from snow machine access while reaffirming the applicability to Section 1110(a) access for this actibviey in approximately 400,000 acres south of the Alaska Range. In short, this solution eliminates conflict between the various user groups, and the many issues relating to wildlife and natural resource protection.

I thank the Alaska State Snowmobile Association, Inc. and the International Snowmobile Manufactures Association, for their actions to dismiss the legal challenge involving the used of snow machines in Denali National Park and Preserve. I look forward to working with the Associations; the Department of the Interior; the National Park Service; my colleagues on both sides of the Capitol; as well as other interested parties, for their assistance in developing environmentally and scientifically sound decisions and solution that will achieve both reasonable access and protection for the wildlife and valuable natural resources found in this outstanding unit of the National Park System.

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. 2589

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

SECTION 1. SNOWMOBILE CLOSURE.

(a) Notwithstanding any other provision of law, those portions of Denali National Park and Preserve depicted as ''Area A'', within the exterior boundaries of the former Mt. McKinley National Park, on map numbered 222 and entitled Denali National Park and Preserve, dated ''revised 1999'', shall not be considered a conservation system unit for the purposes of access by snowmachines pursuant to Section 1110(a) of Public Law 96–487 nor subject to the Departmental regulations implementing that subsection.

(b) The Statement of Finding, dated June 2000; the Environmental Assessment, revised June 6, 2000; the Finding of No Significant Impact, dated June 6, 2000; and the regulations promulgated by the National Park Service on June 19, 2000 that are codified at 36 Code of Federal Regulations 13.63(h)(1)–(3), all relating to the closure of portions of Denali National Park and Preserve to snowmobile use, are hereby revoked, and the use of snow machines shall be permitted within ''Area B'' as depicted on the map referenced in subsection (a).

By Mr. JEFFORDS (for himself, Mr. FRIST, Mr. BREAUX, and Mr. GREGG):

S. 2590. A bill to amend title IX of the Public Heath Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I am pleased to join today with my colleagues Senators JEFFORDS, BREAUX, and GREGG in introducing crucial legislation, the Patient Safety and Quality Improvement Act.

Each year, as many as 98,000 people in the United States die as a result of medical errors. More Americans die each year from medical errors than from breast cancer, AIDS, or motor vehicle accidents. As a physician who has taken the Hippocratic oath ''To do no harm,'' the status quo is simply unacceptable. As the Institute of Medicine wrote in its landmark 1999 report, To Err is Human: ''[I]t is simply not acceptable for patients to be harmed by the same health care system that is supposed to offer healing and comfort.''

The legislation we are introducing today will go a long way toward preventing many of these tragedies. Although a variety of patient safety initiatives are underway in the private sector as well as within the Department of Health and Human Services, and in the states, Congress has an important role to play in reinforcing, encouraging, and enhancing these efforts.

The major contribution of this legislation is to foster an open, collaborative environment where doctors, nurses, and other health professionals can share information freely and analyze it thoroughly. Health care providers should not be punished for trying to learn from their mistakes, reduce medical errors, and improve the quality of care they deliver to patients.

As a physician and a scientist, I know first hand about the enormous complexities of medicine today and the intricate system in which providers deliver care. I also recognize the need to examine medical errors closely in order to determine where the system has failed patients, and how it can be improved. Yet, adequate protections do not exist today to foster this type of learning and improvement environment. For example, hospitals currently rely upon Mortality and Morbidity Conference to share information about medical errors that occur with respect to individual patients. Unfortunately, because these conferences are focused

on events involving individual patients within a single hospital, it is impossible to address system-wide quality and safety problems that may exist across hospital systems and within broader communities. Fear of litigation is the primary barrier to sharing and analyzing information that could save lives and improve treatment within the broader health care community.

We have seen this type of non-punitive reporting model work to vastly improve safety in other situations. In 1975, the Federal Aviation Administration established the Aviation Safety Reporting System, ASRS, to encourage pilots, controllers, flight attendants, mechanics, and the public to voluntarily report actual or potential discrepancies and deficiencies involving the safety of aviation operations. Because this information was widely shared and analyzed, the ASRS helped to significantly improve aviation safety in the United States. The risk of dying in a domestic jet flight decreased from one in two million in 1967 to 1976 to only one in eight million in the 1990s.

The Institute of Medicine, as well as many experts who have testified before Congress during the past few years, have strongly recommended that Congress provide the same type of legal protections for information gathered and reported to improve health care quality and increase patient safety. Without these protections, patient safety improvements will continue to be hampered by fears of retribution and recrimination. If we are to change the health care culture from ''name, shame, and blame'' to a culture of safety and continuous quality improvement, we must provide these basic protections.

In extending these protections, we have tried to encourage widespread voluntary error reporting while continuing to allow access to medical records and other information that should be available to patients for litigation or other purposes. Protecting data reported to a certified patient safety reporting system does not mean that such information cannot be obtained through other avenues if it is important to securing redress for harm. At the same time, information generated by this new reporting system designed specifically to reduce errors and broadly benefit patients should not become fodder for increased litigation. Moreover, the legislation expressly allows for patient safety information to be disclosed in the context of a disciplinary proceeding or criminal case where it is 1. material to the proceeding; 2. within the public interest; and 3. not available from any other source.

I want to thank Senators JEFFORDS, BREAUX, and GREGG for their support, and input into this legislation. I look forward to working with them, Senator KENNEDY, and my other colleagues in both the House and Senate, to pass legislation that will advance patient safety efforts.

I also value the leadership of the Bush Administration on this critical issue. The Administration's efforts to improve patient safety are underscored by the commitment, support and direct involvement of both Secretary Thompson of the Department of Health and Human Services and Secretary O'Neill of the Department of Treasury in helping to shape this legislation.

Americans take pride in offering the most advanced medical care in the world. A bounty of new devices, new treatments, and new techniques offer the hope of living longer and healthier than ever before. Yet, medical mistakes continue to take thousands of lives and cost billions of dollars each year. We must not let the miracle of modern medicine be extinguished by medical errors. This bill will make the changes in culture and communications that are needed to increase the safety of America's health care system, and improve the quality of care delivered to America's patients.

Mr. JEFFORDS. Mr. President, I am happy to have the opportunity today to speak on the vital issue of patient safety and medical errors, and to introduce legislation that will ensure better health care for all Americans. In 1999, the Institute of Medicine published a classic reference book titled To Err is Human, which reported that hospital medical errors contribute to approximately 100,000 deaths a year.

This troubling statistic has been verified by research done by the Commonwealth Foundation and reviewed by articles in the Journal of the American Medical Association, the Annals of Internal Medicine, and the New England Journal of Medicine. This statistic shows that medical errors are a more common cause of death than motor vehicle accidents or breast cancer, and it puts medical errors as the eighth leading cause of death in the United States.

This is totally unacceptable and it need not be occuring at all. Today, I am pleased to introduce legislation with my colleagues Senators FRIST, BREAUX, and GREGG, the ''Patient Safety and Quality Improvement Act,'' that will put us on the path to correcting these medical errors.

The ''Patient Safety and Quality Improvement Act'' lays the groundwork for preventing these unnecessary deaths and injuries. Only by providing a framework through which medical errors can be reported and analyzed will we be able to make changes, strengthen and improve our health-care system and reduce morbidity and mortality.

Since the 106th Congress, the Senate Health, Education, Labor, and Pensions Committee has held five hearings on this important issue. The testimony given during these hearings reflected an overwelling agreement with the IOM report and the ''Patient Safety and Quality Improvement Act,'' acts upon the IOM's findings and recommendations

Key elements of To Err is Human call for improvements in patient safety by developing a learning, rather than a punitive environment; legal protections of privacy and privilege that would foster care systems to be reviewed and appropriate collaborations to occur in developing and implementing patient safety improvement strategies.

Our legislation addresses all of these concerns. Currently, adequate legal protections and a non-punitive environment do not exist to foster the exchange of information and the analysis that is needed to deal with the complex issues of improving patient safety. Our measure creates opportunities for higher standards of continuous safety improvement, and encourages a new culture of patient safety dialogue to insure that safety information will be shared voluntarily and that appropriate collaboration and analysis will occur. It can not be overly stress that an environment where information, data, process, and recommendations enjoy legal protection and privilege it is essential to any safety organization.

These are the key elements of what the ''Patient Safety and Quality Improvement Act'' will do. It promotes a ''culture of safety'' in our health care system by providing for the legal protection of information reported voluntarily for the purposes of quality improvement and patient safety. It creates incentives for creating voluntary reporting systems that are non-punitive and promote learning. It recognizes that to be effective, these systems must have the buy-in, trust, and cooperation of the health care providers. It recognizes the Agency for Healthcare Research and Quality (AHRQ) as the leader in patient; safety for funding research and for dissemination of information learned about improving patient safety; and finally, it complements many ongoing patient safety initiatives in the public and private sector.

Finally, I want to point out what the bill does not do: It does not change existing remedies available to injured patients or limit a patient's access to their medical record; it does not ''shield'' or put patient information that is otherwise available beyond the reach for the purposes of disciplinary, civil or criminal proceedings; it does not change current regulatory processes or add new regulatory requirements; and it does not create mandatory, punitive reporting systems.

Our bill enjoys widespread endorsement by over 40 hospital, patient, doctor, and consumer advocacy organizations, and this degree of support underscores the broad appeal and essential nature of this proposed legislation. It is my strong desire that this bill receive the prompt attention that the issue clearly deserves.

All of us are justifiably proud of our hospital system and the wonders of medicine and technology. But we can no longer ignore the well documented incidence of medical errors, which waste needed medical resources and

cause excessive medical complications and unacceptable loss of life. Without attention to this matter, it is reasonable to expect that thousands of innocents will suffer unnecessarily in our hospitals. We simply must not allow this to happen.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mr. KENNEDY, MR. GREGG, Mr. DODD, Mrs. HUTCHISON, Mrs. MURRAY, Ms. COLLINS, Mrs. BOXER, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. CANTWELL, Mrs. CLINTON, and Mrs. CARNAHAN):

S. 2591. A bill to reauthorize the Mammography Quality Standards Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Mammography Quality Standards Reauthorization Act of 2002. This important bipartisan bill will continue a valuable program that helps save women's lives. I am proud that my good friend, Senator SNOWE, and other colleagues have joined on a bipartisan basis to introduce this legislation.

Mammography is not perfect, but it is the best screening tool we have now. Mammograms must be as safe and accurate as possible. A mammogram is worse than useless if it produces a poor-quality image or is misinterpreted. That's why I have fought over the last 10 years to make them even better.

The Mammography Quality Standards Act, MQSA, that I authored has improved the quality of mammograms in this country over the last 10 years. MQSA has brought facilities nationwide into compliance with Federal quality standards. Before MQSA, tests were misread, women were misdiagnosed, and people died as a result of sloppy work. This year Congress must reauthorize the Mammography Quality Standards Act, because women must continue to have safe, quality mammograms. Until there are more effective screening tools, mammography is still the front line against breast cancer.

Ten years ago before the Mammography Quality Standards Act, MQSA, first became law, there was an uneven patchwork of standards for mammography in this country. Image quality of mammograms varied widely. The first rule of all medical treatment is: Above all things, do no harm. And a bad mammogram can do real harm by leading a woman and her doctor to believe that nothing is wrong when something is. The result can be unnecessary suffering or even a death that could have been prevented. That is why this legislation is so important.

What MQSA does is require that all facilities that provide mammograms meet key safety and quality-assurance standards in the area of personnel, equipment, and operating procedures. Before the law passed, tests were misread, women were misdiagnosed, and people died as a result of sloppy work. Since 1992, MQSA has been successful in raising the quality of mammography services that women receive.

What are these national, uniform quality standards for mammography? Well, facilities are required to use equipment designed specifically for mammography. Only radiological technologists can perform mammography. Only qualified doctors can interpret the results of mammography. Facilities must establish a quality assurance and control program to ensure reliability, clarity and accurate interpretation of mammograms. Facilities must be inspected annually by qualified inspectors. Finally, facilities must be accredited by an accrediting body approved by the Secretary of Health and Human Services.

MQSA also ensures that women receive direct written notification of their mammogram results. Women will not assume that ''no news is good news'' when this is not always the case. They know what their results are, so that they can get any follow up care they need.

The bill that I am introducing today extends the successful MQSA program for another five years. It also allows the Secretary of Health and Human Services to issue a temporary certificate to a mammography facility if certain conditions have prevented the facility from completing the reaccreditation process before its certificate expires. What does this mean? If a facility acquires new mammography equipment and this prevents the facility from meeting reaccreditation time frames, the facility could get a temporary certificate that would allow it to continue to perform mammograms for up to 45 days. The temporary certificate can only be issued if the facility's accreditation body has issued a 45-day accreditation extension. This will provide protection in the law, so that in certain circumstances a mammography facility will not have to close its doors when its certificate expires before it is reaccredited.

This bill also brings to bear the expertise of the Institute of Medicine and the General Accounting Office to further improve MQSA and provide Congress with expert recommendations to consider during the next reauthorization of MQSA.

I look forward to working with my colleagues to reauthorize this important program this year. Last year, an estimated 192,200 women were diagnosed with breast cancer in this country and about 39,600 women died from breast cancer. Early detection and treatment are essential to reducing breast cancer deaths. I urge my colleagues to cosponsor this important bill, and I look forward to its enactment this year.

By Ms. LANDRIEU (for herself, Mr. DEWINE, and Ms. STABENOW):

S. 2592. A bill to provide affordable housing opportunities that are headed by grandparents and other relatives of children, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I am sure that each and every member of the United States Senate, if asked, could share fond memories of times they spent with their grandparents. I know that for me many of my most memorable childhood memories were spent with my grandmother and grandfather. Summer vacations, Christmas dinners and school recitals were all the more special because Grandma or Grandpa were there. Grandparents are always there to share words of wisdom and windows to the past with their grandchildren. They provide unconditional love and support to parents and their children as they prepare to become our Nation's next generation.

Today, over 4 million grandparents in America are doing more than attending birthday parties and buying their grandchild's first bicycle. The US Census bureau reports that over 4 million grandparents are serving as a full time parent to their grandchildren. In my own State, Louisiana, over 150,000 grandparents are filling these roles. Many of these children have parents who have died, are in prison, or are suffering from substance abuse or mental illness. Others have been taken out of abusive homes. These ''grandfamilies'' come in all shapes and sizes. Some live in rural areas, some live in cities, others in suburbs. They come from all races, ethnicities and social status and they live in every single State in the Nation.

Grandparents raising children face many barriers, especially if they do not have legal custody of the children, as is the case with a large portion of these caregivers. Most of these grandparents were at a point in their life when the major decisions faced by their peers are surrounding prescription drug coverage and retirement plans. Instead, these seniors are faced with questions about homework, the cost of baby formula and diapers, and where to find safe and affordable housing big enough for the whole family. While this bill does not address all of these barriers, it does attempt to address the critical need for affordable housing.

These families often live in small apartments, assisted living communities or houses that are not suitable for the children they care for. If the grandparent is living in public senior housing, where children are disallowed, they are often subject to eviction if the children are discovered. Furthermore, if a housing development is constructed for seniors, these apartments are often not ''child proofed'' and there are often no places for the children to play safely. If these grandparents can afford to move to housing that is more suitable for the children, they are often forced to give up some of the amenities

that improve an elderly person's quality of life, such as ramps and bathroom rails.

Many programs throughout the Nation have tried to address the need to provide safe and affordable housing for these families. One program, Grandfamilies House, in Massachusetts provides 26, two, three and four bedroom apartments that come equipped with the safety features needed by the older and younger residents it hopes to serve. In addition, they provide on site services to residents, including support groups, exercise programs and a before and after school program. This program is serving as a model to other communities that are hoping to create such an environment for their intergenerational families. There are many localities that have begun the process of implementing programs like the Grandfamilies House in: Baltimore, MD; Buffalo, NY; Chicago, IL, Detroit, MI, Nashville, TN; New York City, NY; Cleveland, OH and Philadelphia, PA.

This bill would allow these programs to grow and prosper as well as encouraging other public and private partners to engage in developing these types of programs. Specifically, this bill authorizes the Secretary of the Housing and Urban Development to provide grants under a demonstration program that would be targeted toward meeting the housing and service needs of grandparent headed households. Furthermore, it clarifies key sections of federal housing law to ensure that grandparents raising grandchildren are able to access the federal assistance provided under federal housing programs. Finally, it directs the Secretary of HUD to provide specialized training to HUD personnel focused on grandparent-headed and relative-headed families.

With 4 million children living solely with grandparents or other relatives, safe and affordable housing for these families is a concern that must be addressed. This is a simple and cost efficient way to begin to address this important question. I would like to thank my colleagues, Senator DEWINE and Senator STABENOW, for their support of this legislation. I urge my colleagues to join us in support of this bill and hope that it will become law this year.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 281—DESIGNATING THE WEEK BEGINNING AUGUST 25, 2002, AS ''NATIONAL FRAUD AGAINST SENIOR CITIZENS AWARENESS WEEK''

Mr. LEVIN (for himself, Ms. COLLINS, Mrs. CLINTON, Ms. CANTWELL, Mr. BAYH, Mr. CORZINE, Mr. SPECTER, Mr. SMITH of Oregon, Mr. INOUYE, Ms. LANDRIEU, Mr. BREAUX, Mr. TORRICELLI, Mr. BUNNING, Mr. AKAKA, Mr. HAGEL, Mr. CRAIG, Mr. DEWINE, Mr. DURBIN, and Mr. CAMPBELL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 281

Whereas perpetrators of mail, telemarketing, and Internet fraud frequently target their schemes at senior citizens because seniors are often vulnerable and trusting people;

Whereas, as victims of such schemes, many senior citizens have been robbed of their hard-earned life savings and frequently pay an emotional cost, losing not only their money, but also their self-respect and dignity;

Whereas perpetrators of fraudulent schemes against American seniors often operate outside the United States, reaching their victims through the mail, telephone lines, and the Internet;

Whereas the Deceptive Mail Prevention and Enforcement Act increased the power of the United States Postal Service to protect consumers against those who use deceptive mailings featuring games of chance, sweepstakes, skill contests, and facsimile checks;

Whereas the Postal Inspection Service responded to 66,000 mail fraud complaints, arrested 1,691 mail fraud offenders, convicted 1,477 such offenders, and initiated 642 civil or administrative actions in fiscal year 2001;

Whereas mail fraud investigations by the Postal Inspection Service in fiscal year 2001 resulted in over $1,200,000,000 in court-ordered and voluntary restitution payments;

Whereas the Postal Inspection Service, in an effort to curb cross-border fraud, is involved in 3 major fraud task forces with law enforcement officials in Canada, namely, Project Colt in Montreal, The Strategic Partnership in Toronto, and Project Emptor in Vancouver;

Whereas consumer awareness is the best protection from fraudulent schemes; and

Whereas it is vital to increase public awareness of the enormous impact that fraud has on senior citizens in the United States, and to educate the public, senior citizens, their families, and their caregivers about the signs of fraudulent activities and how to report suspected fraudulent activities to the appropriate authorities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning August 25, 2002, as ''National Fraud Against Senior Citizens Awareness Week''; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate activities and programs to—

(A) prevent the purveyors of fraud from victimizing senior citizens in the United States; and

(B) educate and inform the public, senior citizens, their families, and their caregivers about fraud perpetrated through mail, telemarketing, and the Internet.

Mr. LEVIN. Mr. President, I rise today to submit a resolution designating the week beginning August 25, 2002, as ''National Fraud Against Senior Citizens Awareness Week.'' This legislation will bring increased awareness to mail, Internet and telemarketing schemes that frequently target elderly Americans. These schemes rob America's seniors not only of their hard-earned savings, but also of their self respect and dignity. Recognizing that increased awareness, especially on the part of seniors, their families and caregivers, is the best defense, this resolution highlights the efforts being made to protect our nation's elderly.

Last June, the Permanent Subcommittee on Investigations held two days of hearings that focused on the growing problem of Internet, mail and telemarketing fraud. The Subcommittee found that in this age of international communications, foreign countries have unfortunately become a major point of origin for lottery, sweepstakes, and advance-fee-for-loan scams that prey upon Americans through telemarketing. Worse yet, the Subcommittee found that such schemes often specifically target the elderly, who are often the most vulnerable and least able to afford being defrauded.

Last year, alone, the U.S. Postal Inspection Service, USPIS, responded to 66,000 mail fraud complaints, arrested nearly 1700 mail fraud offenders, and convicted nearly 1500 such offenders. Moreover, mail fraud investigations resulted in over $1.2 billion in court-ordered restitution and voluntary restitution payments.

The USPIS has joined with the Senior Action Coalition, a grassroots multi-agency organization, to develop a national multi-media fraud prevention campaign. The campaign will include public service announcements as well as newspaper advertisements, mailing inserts and poster displays. Designating National Fraud Against Senior Citizen Awareness Week will highlight these efforts and help reach a wide segment of the elderly population and those who care for them.

I would like to thank Senator SUSAN COLLINS for cosponsoring this legislation as well as all of the other original cosponsors. I hope the rest of my colleagues will consider cosponsoring this resolution and that we can enact it well before the August recess so we can commemorate the week for the first time this year.

Ms. COLLINS. Mr. President, I join Senator LEVIN in submitting a resolution that will designate the week of August 25, 2002, as National Fraud Against Senior Citizens Awareness Week. This designation of this week will increase public awareness of mail, Internet and telemarketing schemes that target elderly Americans. It is through increased awareness on the part of seniors, their families, and their caregivers that such schemes, which rob seniors not only of their hard-earned savings but of their dignity and self respect, can best be prevented.

This kind of fraud, unfortunately, is pervasive. Last year alone, the U.S. Postal Inspection Service responded to 66,000 mail fraud complaints, arrested nearly 1,700 mail fraud offenders, and secured nearly 1,500 convictions.

The elderly are often especially vulnerable, and they are frequently among the least able to afford being defrauded. The AARP, the National Association of Attorneys General, and the Federal Trade Commission have estimated that 85 percent of the victims of telemarketing fraud are age 65 or older.