Association, the American Association of Retired Persons, the AIDS Action Council, the Bazelon Center for Mental Health Law, the Center for Medical Consumers, the New York Public Interest Group, the National Association of Retail Druggists, the Legal Action Center, IBM Corp., and the Blue Cross and Blue Shield Association. They have worked tirelessly to achieve a significant consensus on this important matter.

The Labor Committee conducted hearings last year on this legislation that showed significant support for the measure. Senators KASSEBAUM and KENNEDY have worked hard on this matter and helped us to revise and improve the provisions of the bill. The working version of the bill now includes several important changes from the language originally introduced. We have tried to make it more patient centered and sensitive. We have eliminated the section on and references to a health information service. We would require informed consent for use of individually identifiable health information for research.

It is with this in mind that I am troubled by indications in the conference report discussion that research is viewed by some as an area where privacy rights should be sacrificed and consent not required for use of individually identifiable health information. I feel strongly to the contrary and believe that research should include consent consistent with current, recognized professional standards and codes of conduct for clinical research. We need not and should not weaken those standards and protections through poorly conceived Federal mandates.

It is unfortunately that criticism of S. 1360 from some quarters tended to obscure its purpose and impede its progress. Some critics were unwilling to work with us to improve the bill. Their recalcitrance helped create the threat we face in this conference report of federally mandated computer networks of sensitive health information without simultaneous enactment of privacy protection.

I know that these are important matters about which many of us feel very strongly. It is never easy to legislate about privacy. Those of us who care about protecting privacy have no acceptable alternative and must pull together to achieve that which has always been our goal—prompt enactment of effective privacy protection for health care information.

When I testified before the Labor Committee earlier this year I suggested that our critics look at the bill against the backdrop of the lack of protection that now exists in so many places and in so many ways and the computerization of medical information. Indeed, in 1995 the House had buried within its budget reconciliation bill provisions that would have required the development and use of protocols ''to make medical information available to be exchanged electronically.'' I was the only Member of Congress to protest the inclusion of those provisions without any attention to privacy protection last year. Fortunately, others are now beginning to recognize the need for action.

During the last few days we have been able to improve the conference report, but only slightly to the point that it is now. Initially, it would have expressly preempted all States' laws that provide privacy protection for health information and records and made it virtually impossible later to add privacy protection measures. Now, there is at least an exception to the Federal preemption language for State laws relating to the privacy of individually identifiable health information. This is only a start because, as I have noted, the State laws are not sufficiently protective or comprehensive in the protections they seek to provide.

Senator BENNETT and I have been trying to respond to suggestions for improvements to our bill as originally introduced. We have been working closely with the Chair and Ranking Democrat of the Labor Committee, Senators KASSEBAUM and KENNEDY, and with all interested parties.

I deeply regret that we have not been able to develop a complete consensus to enable privacy provisions to be included in this measure at this time. When supporters of measures to standardize and require the electronic exchange of health care information insisted that administrative simplification mandates be included in this conference report without any significant privacy protection, we could only obtain a limited opportunity to include privacy protection somewhere down the road. While the conference report provides express protection for business trade secrets and confidentiality for commercial information, it all but ignores personal privacy and provides no current protection for individually identifiable health information.

I will continue to work on this important issue. We are still engaged in discussions with some who have come forward with concerns very recently and have yet to offer suggestions for improvements or alternative language. Our fervent desire to make the Medical RECORDS Confidentiality Act the best bill it can be should not be doubted. I come forward today to declare that further delay by critics cannot and will not be tolerated. If they have suggestions for improvements to the bill, they need to make them without delay. Our window of opportunity is closing.

The conference report allows the Secretary 12 months to make recommendations. She has been engaged in this process from the outset so we need and expect her recommendations immediately. Congress must get about the job of enacting tough, effective privacy protection before mandated computer transfers of medical information become effective. We cannot risk the loss of privacy in the interim. Moreover, it will be near impossible to include appropriate privacy protection in the future. We must rededicate ourselves to act at the earliest moment. I hope we can do so before adjourning this year. Privacy was left off the table at this House-Senate conference. It must be given a central place and highest priority if this scheme for technological development is to proceed.

I would ask all to join with us in a constructive manner to create the best set of protections possible at the earliest possible time. With continuing help from the Administration, health care providers and privacy advocates we can enact provisions to protect the privacy of the medical records of the American people and make this part of health care security a reality for all. ●

TRIBUTE TO NEW HAMPSHIRE BOY SCOUTS OF AMERICA TROOP NO. 135 AS THEY CELEBRATE THEIR 50TH ANNIVERSARY

Mr. SMITH. Mr. President, I rise today to pay tribute to New Hampshire Boy Scouts of America Troop No. 135 as they celebrate their 50th anniversary. I am proud to congratulate such an outstanding organization as they observe this impressive milestone. Troop 135 has a long history of achievement and service to their community.

Boy Scout Troop 135 was founded in 1946 by seven men with Leo Leclerc as their Scoutmaster. Among the founding members was Albert Bellemore, whose son Raymond is the current Scoutmaster for the troop. Raymond, who has served for 34 years is the holder of the Catholic Diocese St. George Award of Merit, the Boy Scout Silver Beaver Award from the National Council of Boy Scouts of America, and was the first in the state to receive the National Eagle Scout Association Scoutmaster's Award.

Troop 135's 50 year history is marked by distinction and achievement like Raymond's. More than 968 Boy Scouts have been members of Troop 135 over the years and 81 of them have attained the rank of Eagle Scout. To become an Eagle Scout, a young man must earn badges for citizenship in the community, citizenship in the nation, and citizenship in the world. This is an important recognition for a young man.

Troop 135 has been involved in numerous Scout activities and won many prestigious awards over the years. They have participated in many High Adventure trips and every National Boy Scouts Jamboree since the troops founding. Troop 135 has won the Klondike Derby district and statewide trophy almost every year for the past 20 years. Many of Troop 135's 968 members have been very decorated Scouts. Many alumni of Troop 135 are returning for the anniversary celebration festivities on the weekend of August 16–18. They will hold a reunion, an open house, and a formal court of honor for Scoutmasters and Eagle Scouts.

The Boy Scouts of America promotes good citizenship, character-building,

and community service among the boys of this country. Troop 135 of Sacred Heart Parish has built a reputation for providing the youth of the community with the leadership skills needed to be successful in today's society. Boy Scouts of America provides good, solid role models for the youth of our Nation and teaches them to be community minded. In this organization, they learn valuable skills that will serve them for a lifetime. I am proud to have such an outstanding Boy Scout troop here in the Granite State. Congratulations on reaching this tremendous milestone.

THE QUALITY OF MERCY

Mr. LAUTENBERG. Mr. President, I ask that an excellent article about welfare, ''The Quality of Mercy'', by James McQueeny, be printed in the RECORD.

Mr. President, I had the good fortunate of benefiting from Jim McQueeny's competence and compassion when he served as my press secretary several years ago. These same qualities are evident in his article, which is an eloquent statement about what it means to be on welfare, and what the welfare reform bill will mean for real people.

I urge all my colleagues to read the article.

The article follows:

[From the New Jersey Monthly, July 1995]

THE QUALITY OF MERCY—MANY NEW JERSEYANS BELIEVE THAT WELFARE IS A WASTE. ONE MAN—NOW A SUCCESSFUL EXECUTIVE—WHO'S LIVED ON IT DISAGREES

(By James McQueeny)

I'm not a member of any obvious minority group (being the son of an Irish immigrant no longer counts), although these days I might qualify as out of the mainstream because I am a Democrat. My views on welfare seem to place me even more squarely in the minority. And I am very concerned about what we as a society are saying and doing about that issue.

We in New Jersey, the second richest state in the nation, are in the best position possible to do something about poverty and welfare reform, yet we're going about it with the worst possible attitude. The very success of New Jersey's post-war suburbanization has fueled what some pollsters call the Drawbridge Mentality—the mindset of people who find their castle and pull up the drawbridge on everybody and everything else. And who in suburbia actually lives near someone in poverty or on welfare? C'mon, I mean really knows them. By face. By name.

I do. I was one of them. So I've always been aware of poverty slights, and they're on the increase. I've cringed at a ''progressive'' suggestion by a prominent New Jersey business leader who told me he wants to help the poor ''get off their asses.'' As if these people wake up every morning looking for ways to make themselves poorer. Or the Democratic politician who was trying to rationalize reforming welfare by not extending benefits to additional children of welfare mothers. As if the child had a choice of mother and neighborhood.

As someone who has lived at the extreme ends of the economic spectrum in New Jersey, I know firsthand the frightening reality of life in poverty. I grew up on welfare, in a well-off town in Bergen County, one of the wealthiest counties in the state. I worked my way up through the ranks of New Jersey's largest newspaper, covering every county and the statehouse in Trenton, and eventually I became the paper's Washington bureau chief. Later, I was a television reporter for New Jersey Network, and I was the spokesman for one of our United States senators. I am now the president and an owner of a multimillion dollar company.

I point this out only to emphasize that I cobbled together a professional life after starting out poor—and on welfare—in New Jersey. And now, a day hardly goes by without a personal incident or a public headline reminding me how we're making it harder in New Jersey for the disadvantaged to follow a similar path of opportunity. And that upsets me.

Several months ago, I was at Menlo Park Mall conducting voter interviews with a camera team for a weekly political commentary I do for NJN. Person after person in these opulent surroundings railed against big government. The phrase ''welfare cheats'' was usually the caboose on their long trains of lament, mostly about the economy.

As I stood before them, I reverted to a habit I've had since poverty. I looked at the shoes of the people I was talking to. Why? Probably because my four brothers and I thought good shoes were the province of ''rich people.'' Our ''school shoes'' were worn only to school and Mass, and they had to last until they literally disintegrated on our feet. I can still recall going into town to a business that had an industrial staple gun, so I could either secure the flapping soles or repatch the holes with wads of oilcloth stapled from the inside so no one would notice.

Instinctively, my gaze fell upon the shoes of the people complaining about things being so bad economically in New Jersey. Without exception, they were wearing designer shoes—those kinds of sneakers that salespeople bring to you so delicately you'd think they were explosives, or those spiffy Rockport walking shoes. I was so amazed by those walking shoes that I was compelled to go into a shoe store and price them. One hundred and twenty dollars! On sale!

With those kinds of shoes on their feet, they're feeling that much anger? I thought. And about the economy? They're not complaining about what they don't have. They're complaining that they don't have enough. Has poverty become so trivialized that the New Downtrodden are those who can't afford Rockports?

Unfortunately, it looks like it. I only wish that some of these people could have learned the lessons of poverty the way I did—through experience. Like the time I couldn't tell my teacher I didn't have $1.50 for a science magazine subscription because I'd be revealing that I was on welfare in a rich town. Instead, I always said I forgot the money. He marked me up as a wise-guy deportment case, which helped drive my grades down.

Some teachers ridiculed my scraggly shoes in front of classmates, unthinkingly viewing them as an issue of cleanliness rather than pennilessness.

On one free field trip (I stayed behind in study hall for the paid ones), I borrowed a camera from a classmate on the bus to take a picture of some mundane highway bridge that crossed the Passaic River, about ten miles from home. They all had a riotous laugh when they found out I'd never been this far from home because we never had a car.

And, yes, we were forced to ''cheat'' on welfare, too. The ''welfare lady'' visited the house at pre-arranged times to make sure we weren't buying things that would indicate alternative incomes of some kind. That would be cheating the taxpayer. I had to hide any evidence of the prosperity I was enjoying form my paper route—even the household essentials we bought with the money I earned. My brothers' bikes, bought second-hand, had to be hidden before the visits.

What got us into this predicament? My father lost his job. Does it become a more acceptable welfare story when I say it was because he contracted terminal lung cancer and took six years to die? As opposed to being a victim of economic cancer?

I won't insult victims of poverty or families on welfare by fully equating my time on welfare, or being poor and white in suburbia in the sixties, with the problems they are facing now. The problems now are worse, meaner. And bleaker.

From my experience, and in discussions with people who lived or live in similar circumstances, there is one profound misunderstanding that policymakers and the public have about poverty: You do not choose it; by and large, it chooses you.

The Democratic party meant to do well when it stitched together the welfare safety net during the Depression. And welfare worked well enough for a while. But as time passed, we didn't have the political common sense to stop sewing when it wasn't working well enough. We do need to come up with something else.

But the latest plan being bandied about, the Contract With America welfare-reform proposal, really boils down to turning the program back to the states with guidelines about cutting off benefits to the needy tomorrow, while declaring victory today. The reason that this reform plan won't work is that you can cut spending all you want, but the same mothers and children will have the same food and sheltering needs at roughly the same cost come the end of the day—no matter how you cook the books or serve the baloney. And, yes, there will always be some lumpen layabouts or drug-fried fools who will rip off the system for dollars at the margins, get all the headlines, and jump-start another sorry cycle of retribution against the truly poor and needy.

Part of the problem is that Congress, and state legislatures, are overstocked with affluent lawyers, professionals, and full-time politicians who are more than able and willing to impart their professional experiences on tort reform, health care, or the next day's news cycle. I know it's not fair, but I've seen what these politicians drive to work and leave in the parking lots outside the Congress and the state capital. Nobody's holding the mufflers of those cars together with hanger wire, I can assure you.

All of this seems so fresh, so important to me, because I know that welfare made it possible for me to go as far as I have. I still have my family's welfare application, signed by both my parents, for my sons to see. I tell them to remember it's nothing to be ashamed about. To the contrary, it was a safety net that scooped up seven people from our family, and the investment in us let us re-invest our lives—and our taxes—in America.

The shame would come from not extending our hands to someone else. But the real shame is that that could become a minority view in a state like New Jersey.●

SALUTE TO MARY MOORMAN RYAN CALDWELL AND ANN HARDIN GRIMES

● Mr. FRIST. Mr. President, the last 2 weeks have been filled with triumphs and struggles for United States athletes competing in the Centennial Olympics in Atlanta. We have all