In the meantime, Delbert applied for and awaited approval from the Alternatives Program for Adults with Physical Disabilities, a state Medicaid program. Once approval came, he received funding and assistance in having his bathroom retrofitted to be handicapped accessible.

He was also provided with personal care and housekeeping assistance. Delbert also began to receive home delivered meals. Last October, Delbert celebrated his 65th birthday. Because he was confined to a wheelchair and very isolated and lonely, his doctor prescribed socialization and exercise to combat his depression. Now, every Tuesday and Thursday Delbert rides in a handicap accessible van to the Benton County Senior Services Center where he participates in an exercise program.

He now enjoys his newfound friends and enjoys games and other activities at the senior center. Thanks to these aging and disability support services, Delbert lives with dignity and independence. Without this assistance he would, no doubt, have spent the past few years in a long-term care facility at enormous cost to the public.

If SSBG gets cut severely this year, millions of Meals on Wheels to homebound seniors may not be delivered next year to people who rely on them. States are already scaling back congregate and home delivered meal programs because of last year's Federal funding cuts. Although Congress increased Older Americans Act funds for home delivered meals by 31% last year, it simultaneously cut the Social Services Block Grant and the USDA Nutrition Program for the Elderly, which resulted in a net loss of $300,000 in Federal funds to Arkansas. Unless we act, this year's cuts will be even greater.

To put the cost of home delivered meals in perspective, the cost of providing home delivered meals to a senior for one year costs about as much as one day's stay in the hospital for one person. I don't know about you, but I think that is pretty affordable.

The irony of the situation is that these draconian cuts to SSBG come at a time when our budget is experiencing unprecedented surpluses. That is why I respectfully disagree with some of my colleagues who support these crippling SSBG funding cuts. They argue that Governors can offset these cuts with tobacco settlement money or TANF funds, but I think this is unrealistic. Governors are spending most of their tobacco settlement funds on health related initiatives and smoking prevention programs.

I supported an amendment during last year's Labor/HHS/Education appropriations process to restore funding to the SSBG, although it did not pass. Recently I cosponsored legislation by Senators GRAHAM and JEFFORDS to restore SSBG funding. When I was in the House of Representatives and voted for welfare reform, an agreement was made between Congress and the states to decrease SSBG from $2.8 billion to $2.4 billion until welfare reform was firmly established. In FY 03, Congress was to restore funding to the $2.8 billion level. Clearly, Congress has not operated in good faith in honoring this agreement.

I believe that the Older Americans Act and the Social Services Block Grant are vital safety nets for our nation's seniors. I hope the Senate will do the right thing by passing a pro-senior Older Americans Act and restore funds to the Social Services Block Grant.

I don't know about my colleagues, but I do know there is not a day that goes by that I don't think of the contribution of an elderly person in my life.

I would like to close by reading a quote by Senator Hubert Humphrey that you may be familiar with:

> It was once said that the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy and the disabled.

I think we have a wonderful opportunity to help the young, the old, the sick, the needy and the disabled by restoring the cuts to the Social Services Block Grant and reauthorizing the Older Americans Act.

Let's get to work!

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Iowa is recognized.

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THE OLDER AMERICANS ACT

Mr. GRASSLEY. Mr. President, I have come to the floor to speak as a member of the Judiciary Committee, but I will back up the Senator from Arkansas on one very key point that I hope can happen in this Congress. I urge, as she has done, that a bill to reauthorize the Older Americans Act come to the floor of the Senate because it has been so long since that law has been reauthorized on a permanent basis. I understand it has been reauthorized on a year-to-year basis, but not on a permanent basis as it ought to be, or at least for a multiyear basis. So I urge that action to be taken at this particular time.

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INTERNET MEDICAL PRIVACY

Mr. GRASSLEY. Mr. President, I come to the floor to speak on the subject of technology. The message on technology is very simple. Technology is moving fast, but somehow Congress does not pass laws that keep up with the technology. I wish to state the proposition that, from the standpoint of the right to privacy, our laws cannot be left behind. Every day, more and more Americans are waking up to what technology can do to improve their lives. Thanks to the hard work of the American people in the technology sector, we live in an amazing time. Congress didn't bring about this revolution, and Congress should not do anything to impede the rapid changes taking place in technology.

However, one of the main threats to the growth of electronic commerce is the risk of a massive erosion of privacy. While the Internet offers tremendous benefits, it also comes with the potential for harm. If we lack confidence that our privacy will be protected online, we won't take full advantage of what the Internet has to offer. The Judiciary Committee is now considering a bill to protect the privacy of Internet users. I want to focus on one particular issue, and that is maintaining privacy of personal health information obtained by web sites.

I happen to believe, as a matter of basic principle, that information about my health is very personal, and nobody else should know that without my permission. So I am pleased to join my colleague from New Jersey, Senator TORRICELLI, in cosponsoring an amendment on this issue before the Judiciary Committee. I think it will be up this week, on Thursday.

The amendment Senator TORRICELLI and I plan to sponsor will give citizens a chance to control any health information that they might provide while surfing the web. None of that will be passed on to others without their explicit permission. Our amendment simply provides that a commercial web site operator must obtain permission from a person before sending health information to another entity. In addition, it would require that individuals be told to whom their medical information will be released if permission is given.

I know to people watching this sounds like a pretty simple, commonsense thing, that there would be no dispute and it ought to be part of the laws of our country under our Constitution that personal information not be sold or used by anybody else without the personal permission of the person who that medical information is about. It sounds pretty simple that it ought to be part of our law. It appears to be such common sense that maybe we should not even have to deal with that; it is just common sense that nobody else should profit from your personal information without telling you about it and without your permission.

It is only fair—it seems to myself and to Senator TORRICELLI—to put that burden on the web site operator and not on the consumer. Medical information can be highly personal, and consumers face serious risk if it becomes a public commodity that can be bought and sold without the individual's consent. If that is allowed, then we are all at risk.

As far as your own personal information being a public commodity that can be sold—outside the fact that it shouldn't be done without your permission, not only to protect your privacy but you ought to know about the information being disseminated and to whom it is going, it is also the fact that personal health information, if it is a commodity, is under your personal, private property rights, and they ought to be protected just as personal property rights are protected under our Constitution.

The Department of Health and Human Services is working on regulations to finalize medical privacy rules this summer. I understand that for the most part those rules would set up a mechanism so individuals would have to opt into the procedure of giving permission for their medical information to be disseminated—opting in meaning that you have to actually say, I give permission for my medical information to be used in such and such a way, as opposed to kind of an opt-out situation where your personal medical information will be disseminated unless you say it can't be disseminated. From that standpoint, the Department of Health and Human Services rules, which they say will actually come out this way, will be in agreement with the goals of our amendment. I see the need to allow the process in the Department of Health and Human Services to finish.

The current draft of our amendment explicitly will not interfere with those rules and the rulemaking process now going on, and it also does not apply to entities subject to those proposed rules, such as health plans and providers.

Our amendment gets at those commercial health web sites to which the protections of Health and Human Services rules will not apply. But having said that, our amendment is pending.

Having made clear that our amendment does not interfere with the Department of Health and Human Services rulemaking now going on, I want to put President Clinton on notice, if it turns out that the final Health and Human Services rules are inadequate from the standpoint of protecting the personal privacy of health information of individuals, having this amendment in the bill as a placeholder will provide those of us in Congress who are concerned about this issue of privacy of medical health information a vehicle to strengthen the HHS rules legislatively in the future if necessary. There should be ample time for that because realistically we all know that more work will have to be done on Internet privacy before final enactment.

Senator TORRICELLI and I are open to ideas on how to improve the amendment. But let me make clear that I am adamant on the point that people should have a basic right to control their medical information, and to control it from the standpoint of making a separate individual decision as to whether that information can be disseminated—not from the opposite point of view that if they fail to say it can't be used it can be legally disseminated. I believe that very strongly.

We all know there are special interests out there that do not agree with us. I happen to think they are wrong. I look forward to having this issue aired fully in the committee. We should protect citizens' most confidential information from those who misuse it. I suppose there is a lot of confidential information other than just medical information about an individual that we ought to be concerned about. But I can't think of anything more personal or that could be more destructive to the individual than medical information.

We should also arm our citizens to make a thoughtful and informed decision on how their health information will be used—even educating them about the possibility that because they use the Internet certain health information about them can be disseminated. I am not so sure that we don't take the use of the Internet and technology so much for granted today that we often don't think about what we are doing and what we are putting into it about ourselves, and who might be making use of that. It is important for us to be informed about the possibilities. Once we have done that, I think the American people can be assured that they can go online without having surrendered their privacy rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

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SECURITY BREACHES AT NATIONAL LABS

Mr. KYL. Mr. President, one of the reasons we have time today is to discuss the breach of security at the National Laboratories. I want to address that subject for a moment this afternoon.

We are all aware of what happened in the last couple of weeks regarding the lost computer disks at the Los Alamos National Lab, and the news that those disks have now been found. But the questions remain about what happened to them during the time they were gone—whether or not they were copied and whether or not in any event our National Laboratories are, in fact, secure.

Let me go back in time to about a year ago when we were debating the Defense authorization bill of last year. One of the portions of that bill was an amendment that I offered, along with Senators DOMENICI and MURKOWSKI, to create a new semiautonomous agency at the Department of Energy, the Department of Energy Reorganization Act. That was in response to the recommendation of one of the President's own commissions, a group called the President's Forward Intelligence Advisory Board, or the so-called PFIAB Act.

Former Senator Rudman chaired the President's Foreign Intelligence Advisory Board and made some recommendations concerning the creation of this semiautonomous agency in response to the effect of the theft of some of our most sensitive nuclear secrets from the Los Alamos Lab a few years ago.

We discovered that the Chinese Government had possession of what were, in effect, the blueprints for some of our Nation's most sophisticated nuclear weapons ever built. We didn't know how those blueprints were obtained by the Chinese Government, but we believe they had to have been obtained from the Los Alamos nuclear lab. We determined that we needed to make some changes in security practices at the laboratory.

It was believed that a scientist there by the name of Wen Ho Lee had taken charge of these documents and had somehow gotten them to someone representing the Chinese Government—a matter that has not yet been proven. We wanted to get to the bottom of it, and to make sure there would never again be a security breach at our National Laboratories.

By way of background, these National Laboratories, two of them—Lawrence Livermore and Los Alamos—are technically run by the University of California at Berkeley. But they do their weapons work under the auspices of the Department of Energy.

The PFIAB reports found that the culture of the laboratories to promote good science and develop all of these new technologies relating to nuclear weapons was such that it would be very difficult to reform from within, for either the Department of Energy or the laboratories themselves to put into place the security measures necessary to protect these secrets.

As a result, the Foreign Intelligence Advisory Board recommended the creation of an autonomous agency, totally separate and apart from the Department of Energy, under which this work is done, or, at a minimum, the creation of a semiautonomous agency within the Department of Energy for this weapons work to be done. Some called it a stovepipe; in other words, an organization within the Department of Energy that was totally enclosed, that would be run by an Under Secretary, and would be very much focused on security at the labs.

The Secretary of Energy, Bill Richardson, didn't like this idea. He wanted to remain in charge. On the debate just about a year ago, my colleagues on both the Democrat and Republican sides of the aisle concluded that the President's own Foreign Intelligence Advisory Board was correct, that we should create a semiautonomous agency and take that out of the Secretary's direct control. The Secretary was so much opposed, he tried to get the President to veto the bill over that, because we passed it in the Senate and the House of Representatives passed it. It became part of the Defense authorization bill for last year. The President signed the bill, and it became the law.

The Secretary continued to fight it, maintaining he should maintain the jurisdiction over this nuclear weapons program, that he could do the job. As a result, the President did not send up the name of this Under Secretary to head this new, semiautonomous agency, and Secretary Richardson did not implement the new law. He did virtually nothing to see that the new law was put into place. He kept maintaining that he was in charge and that so