the fact that the Senate was unwilling to alter positions it established in Senate passage of S. 1260. I appreciate the opportunity to clarify the debate surrounding this issue. I commend Chairman D'AMATO and Senator DODD for their work on this bill. They have furthered the goal of capital formation while ensuring proper protections for consumers.●

TRIBUTE TO STATE REPRESENTATIVE MORRIS HOOD, JR.

● Mr. LEVIN. Mr. President, earlier this month, a powerful voice for fairness and compassion fell silent with the untimely death of State Representative Morris Hood, Jr.

Representative Hood served in the Michigan House of Representatives for 28 years, representing a part of the City of Detroit, my home town. He was the Chairman of the House Appropriations Committee. He distinguished himself in that role by fighting to make education accessible to all people. He strove to give everyone the opportunity to go to school, to obtain a job and earn a living. He was the primary founder of the King-Chavez-Parks initiative, which has provided thousands of dollars in scholarship money to deserving minority students. He was a believer in a positive role for government in our society. He once said, ''There are some things government is meant to do. One of the them is to take care of those who can't take care of themselves.''

Morris Hood, Jr. recognized the painful effects of discrimination and sponsored legislation to give small and minority owned businesses the ability to compete for state contracts. Foremost of all, Morris Hood was a promoter of the City of Detroit. He saw in Detroit a community full of possibilities, inhabited by people full of potential. He saw as his responsibility to use government as one means to unlock that potential. That is why he was such a strong supporter of Focus: HOPE, an organization that is near and dear to my heart. His voice will be dearly missed. Our hearts go out to his children, Denise and Morris III.

Mr. President I ask my Senate colleagues to join me in honoring the memory of a passionate legislator, State Representative Morris Hood, Jr.●

OUR UNFINISHED WORK TO PROTECT PRIVACY RIGHTS

● Mr. LEAHY. Mr. President, the American people have a growing concern over encroachments on personal privacy. It seems that everywhere we turn, new technologies, new communications media, and new business services created with the best of intentions and highest of expectations also pose a threat to our ability to keep our lives to ourselves, to live, work and think without having giant corporations or government looking over our shoulders, or peeking through our keyholes.

The current national media obsession with the Monica Lewinsky scandal has focused attention on abuses of power by independent counsel Kenneth Starr. I have been a prosecutor, and I am intimately familiar with the enormous power prosecutors wield. This power is generally circumscribed by a sense of honor and by professionalism, and for those for whom this is not enough, by the Bar's canons of ethics and disciplinary rules and, for federal prosecutors, the rules and regulations of the Department of Justice.

Mr. Starr has a different view of these obligations, and privacy has been the first casualty. He began his investigation into the President's personal life by using the results of an illegal wiretap. The State of Maryland protects its residents from having private conversations tape recorded without their knowledge or consent. Mr. Starr condoned the deliberate flouting of that law by granting the perpetrator immunity and then using the illicit recordings to persuade the Attorney General to expand his jurisdiction.

That was just the beginning. In February, Prosecutor Starr forced a mother to travel to the country's Capital to sit before a federal grand jury, with no right to have counsel present, and reveal the most intimate secrets of her daughter. That led me to introduce legislation to develop Federal prosecutorial guidelines to protect familial privacy and parent-child communications in matters that do not involve allegations of violent conduct or drug trafficking.

Mr. Starr issued subpoenas to bookstores to pry into what we read and further encroached upon our First Amendment rights with subpoenas to reporters, at every step acting contrary to Justice Department guidelines. He intruded into the attorney-client privilege, and even required Secret Service agents to gossip about those whom they are sworn to protect, and whose privacy they have safeguarded for decade upon decade. Then all of the private information he gathered, all of the excruciating details of personal life, appeared almost contemporaneously in the public press, attributed to unidentified sources, despite the command of the law that all matters before a grand jury remain secret.

The independent counsel law was passed with the best of intentions, with my support. I never imagined that the power would be so abused, and privacy so ignored. But that is the point. We must act to prevent abuses of privacy.

Mr. Starr, by his gross excesses, has become a symbol of the threat to privacy and the threat to individual liberty from abuse of power and information. That threat has been amplified by the unseemly haste with which the Republican majority on the House Judiciary Committee voted to plaster the mud from Ken Starr's report all over the Internet, so that literally all the world would have a chance to peek through the keyhole. This intemperate action, in an unabashed effort to gain political advantage at the expense of privacy and dignity, should be a lesson to the American people that we need additional legal protection to protect their privacy.

The far more pervasive problem is the incremental encroachment on privacy through the lack of safeguards on personal, financial and medical information about each of us that can be stolen, sold or mishandled and find its way into the wrong hands with a push of a button.

The right of privacy is one of the most vulnerable rights in the information age. The digitalization of information and the explosion in the growth of computing and electronic networking offer tremendous potential benefits to the way Americans live, work, conduct commerce, and interact with their government. But the new technology also presents new threats to our individual privacy and security, in particular, our ability to control the terms under which our personal information is acquired, disclosed, and used.

The threats are there, but so are the solutions, if we only take the time to look for them. For example, this Congress passed legislation that will make the United States government more accessible and accountable to the citizenry by directing Federal agencies to accept ''electronic signatures'' for government forms that are submitted electronically. When the bill was reported out of committee, it established a framework for government use of electronic signatures without putting in place any privacy protections for the vast amounts of personal information collected in the process. I was concerned that citizens would be forced to sacrifice their privacy as the price of communicating with the government electronically. Senator ABRAHAM and I corrected this oversight by adding forward-looking privacy protections to the bill, which strictly limit the ways in which information collected as a byproduct of electronic communications with the government can be used or disclosed to others.

As I remarked when the bill passed, however, this is just the beginning of Congress's efforts to address the new privacy issues raised by electronic government and the information age. Congress will almost certainly be called upon in the next session to consider broader electronic signature legislation, and issues of law enforcement access to electronic data and mechanisms for enforcing privacy rights in cyberspace will need to be part of that discussion.

The government also holds tens of millions of medical records of individuals covered by Medicare, Medicaid and other federal health programs. This information is routinely released by the government in individually-identifiable form for purposes such as medical research or in order to ferret out fraud

and abuse. These are laudable activities, but without setting strong standards for an entity to meet before gaining access to this information there is the possibility of misuse and abuse of this very sensitive personal information.

We have a Federal Privacy Act in this country that has not been substantially changed since its passage almost 25 years ago. One purpose of the Privacy Act was to protect our citizens from government intrusion and the sharing of data across agencies without the knowledge or consent of the subject of the information. Yet, the Privacy Act contains a problematic ''routine use'' exception, which is already a huge loophole to use health and other information for any purpose.

I first noted my concern with this loophole during congressional hearings in 1996 on the transfer by the FBI of background investigation files to the White House for former Republican White House employees. The FBI admitted that it made these transfers pursuant to the ''routine use'' exception. Ironically, more information from the confidential FBI background files were revealed to the public in the course of congressional hearings than from any action taken elsewhere. For example, it was a House Committee that first revealed the names of people whose file summaries were requested. It was also a House Committee that used information from a Clinton White House employee's file to embarrass him and it was a House Chairman who ''went public'' with the confidential FBI background memo from the employee's background file in a statement made on the floor of the House. That is why during those hearings, on September 25, 1996, I called for a reexamination of the Privacy Act and tightening of the routine use loophole.

My concern is heightened by a July 16, 1998, published notice by the Health Care Financing Administration to add new ''routine uses'' to the Privacy Act. The proposal is very broad. In the name of combating fraud and abuse, this proposal would permit the release of individual specific information to any governmental or non-governmental entity that has anything to do with health care. This new HCFA ''routine use'' exception proposal turns our notion of privacy protection on its head, and makes more urgent the need for review of and restrictions on the ''routine use'' of private medical and other information collected and held by the government.

At a time when the Congress and the Administration are grappling with how best to protect the privacy of individually-identifiable medical records in the private health care sector, we better make sure that we have our own house in order. I introduced legislation in this Congress that would help protect the privacy of individually-identifiable medical records, and I plan to expand on that initiative in the next Congress to ensure that such records are not mishandled by Federal agencies.

The next Congress will also need to consider how our privacy safeguards for personal, financial and medical information measure up to the tough privacy standards established by the European Union. The EU Data Protection Directive is set to take effect next week. That could be a big problem for American businesses, since the new rules require EU member countries to prohibit the transmission of personal data to or through any non-EU country that fails to provide adequate data protection as defined under European law. European officials have said repeatedly over the past year that the patchwork of privacy laws in the United States may not meet their standards. Our law is less protective than EU standards in a variety of respects on a range of issues, including requirements to obtain data fairly and lawfully; limitations on the collection of sensitive data; limitations on the purpose of data collection; bans on the collection and storage of unnecessary personal information; requirements regarding data accuracy; limitations regarding duration of storage; and centralized supervision of privacy protections and practices.

The flow of information from Europe may not stop suddenly on Monday, but the clock is ticking. Europe is committed to enforcing the Directive. Our continued failure to address this issue could have serious economic consequences for U.S. firms and transborder data flows.

When we do address this issue—hopefully early in the next Congress—we may find that the problem is not that Europe protects privacy too much. We may find that the problem is our own failure to keep U.S. privacy laws up to date. The EU Directive is an example of the kind of privacy protection that American consumers need and do not have. It has encouraged European companies to develop good privacy techniques. It has produced policies, including policies on cryptography, that are consistent with the interests of both consumers and businesses.

Even if we decide not to lock in the commands of the EU Data Directive, we can learn from it. Marc Rotenberg, the Director of the Electronic Privacy Information Center, made this point eloquently earlier this year, when he testified before the House Committee on International Relations: ''The EU Data Directive is not so much a problem as it is a reminder that our privacy laws are out of date.'' I agree with his conclusion that, in the end, ''we need stronger privacy safeguards not to satisfy European government, but to assure the protection of our own citizens.''

There is a cartoonish quality to the excesses of Ken Starr and the hamhandedness of the House Republican leadership, who seem to be vying for the title of poster child for privacy reform legislation. This could lull us into a false sense that their sort of nonsense may be pernicious, but it is not something that affects the average citizen. Do not be misled. It bears repeating again and again that personal, financial and medical information of any American can fall into the wrong hands.

Americans are rightly concerned about the adequacy of privacy protection in this country. Indeed, this is a matter that concerns all Americans in the most personal of ways.

The European Union has responded to the demands of the information age with tough privacy standards. The privacy protections in our new digital signature legislation show that we can get ahead of the curve, anticipate problems and head them off even before they arise, if only we give the matter the attention it deserves.●

WORLD POPULATION AWARENESS WEEK

● Mr. KOHL. Mr. President, I rise today to call World Population Awareness Week 1998 to the attention of my colleagues. October 24–31st marks the 13th annual celebration of World Population Awareness Week. More than 300 family planning, environmental, educational, community and service organizations in 61 countries are co-sponsoring the week in an effort to raise awareness of the need for universal voluntary family planning.

I call Governor Tommy G. Thompson's proclamation to the attention of my colleagues. I am pleased to note that Jeannette Bell, Mayor of West Allis has agreed to proclaim World Population Awareness Week as well.

I ask that the proclamation be printed in the RECORD.

The proclamation follows:

WORLD POPULATION AWARENESS WEEK PROCLAMATION—1998

Whereas world population stands today at more than 5.9 billion and increases by more than 80 million per year, with virtually all of this growth in the least developed countries;

Whereas the consequences of rapid population growth are not limited to the developing world but extend to all nations and to all people, including every citizen of the State of Wisconsin concerned for human dignity, freedom and democracy, as well as for the impact on the global economy.

Whereas 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one U.S. dollar or less a day;

Whereas 1.5 billion people—nearly one-quarter of the world population—lack an adequate supply of clean drinking water or sanitation;

Whereas more than 840 million people—one fifth of the entire population of the developing world—are hungry or malnourished;

Whereas demographic studies and surveys indicate that at least 120 million married women in the developing world—and a large but undefined number of unmarried women—want more control over their fertility but lack access to family planning;

Whereas this unmet demand for family planning is projected to result in 1.2 billion unintended births;

Whereas the 1994 International Conference on Population and Development determined that political commitment and appropriate