

enactment of the financial modernization legislation. Our legislation was designed to protect the privacy of financial information by directing the Federal Reserve Board, Office of Thrift Supervision, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, and the Securities and Exchange Commission to jointly promulgate rules requiring financial institutions they regulate to: (1) inform their customers what information is to be disclosed, and when, to whom and for what purposes the information is to be disclosed; (2) allow customers to review the information for accuracy; and (3) for new customers, obtain the customers' consent to disclosure, and for existing customers, give the customers a reasonable opportunity to object to disclosure. These financial institutions could use confidential customer information from other entities only if the entities had given their customers similar privacy protections.

In addition, the bill would have provided individuals the civil right of action to enforce their financial privacy rights and to recover punitive damages, reasonable attorneys fees, and other litigation costs. Privacy rights must be enforceable in a court of law to be truly effective.

I also joined with Senators SARBANES, BRYAN, DODD, DURBIN, EDWARDS, FEINSTEIN, HARKIN, KERRY and ROBB to introduce the Financial Information Privacy Protection Act of 2000, S. 2513. This bill was the Clinton Administration's proposal to give consumers real control over the use and disclosure of their financial and health-related information held by financial institutions.

I had hoped that these efforts would be just the beginning of this Congress's efforts to address the many financial privacy issues raised by ultra competitive marketplaces in the information age. It is clear that Congress needs to update our privacy laws in the evolving financial services industry to protect the personal, confidential financial information of all American citizens.

Unfortunately, our Republican colleagues on the Senate Banking Committee did not feel the same way. This important financial privacy protection never saw the Senate floor, leaving confidential financial information disturbingly vulnerable.

Just as troubling as the rejection of financial information protections is this Congress' failure to establish safeguards for the privacy of medical records. Undoubtedly, maintaining the confidentiality of medical records is of the utmost importance. Medical records contain the most intimate, sensitive information about a person. For the past three Congresses, I have introduced comprehensive medical privacy legislation. In March 1999, I introduced S. 573, the Medical Information Privacy and Security Act, with Senators KENNEDY, DASCHLE, DORGAN, INOUE, JOHNSON, KERRY and WELLSTONE, to establish the first comprehensive federal

medical privacy law. This bill would close the existing gaps in federal privacy laws to ensure the protection of personally identifiable health information. Sadly, this legislation has gone nowhere, like all medical privacy legislation this Congress.

In fact, Congress gave itself three years to establish medical records privacy legislation, but by the August 21, 1999 deadline, comprehensive medical records privacy rules did not exist. Instead the Department of Health and Human Services, as directed by Congress, drafted its own version. These placeholder privacy rules are better than no rules at all, but in the long run, Congress—not a federal agency—should set the basic standards on medical privacy, so that different administrations do not keep reducing the protections. I had hoped that the administrative rule-making process may finally prod Congress into action on a full-fledged policy, but as this Congress nears its conclusion, my optimism is waning.

Even this past summer, when the Senate had an opportunity to protect the privacy of genetic information, it failed to do so. Senator DASCHLE introduced an amendment, which I supported, to the FY 2001 Labor HHS Appropriations bill that would have protected private genetic information from insurance companies and employers using such information to discriminate against individuals or raise insurance premiums. The Senate failed to adopt the amendment and failed, once again, to protect essential privacy rights.

Congress has spent too long defining the problem instead of fixing it. We have not moved tangibly toward solutions in the six years since I convened the first hearings on technology and medical records in 1993. Since then a number of bills have been introduced—by myself and others—but we have been unable to get the attention of the majority to move this legislation.

In 1996 we tried to include medical privacy protections in the Health Insurance Portability and Accountability Act of 1996, HIPAA. Majority Leader Bob Dole at the time agreed with us that "a compromise of privacy" that sends information about health and treatment to a national data bank, without a person's approval, would be something that none of us would accept. What we settled for in 1996 was a provision requiring Congress to enact medical privacy legislation by August 21 of 1999. If the deadline was not met, which it was not, the Administration then would be required to issue regulations by February 21, 2000, to protect the privacy of electronic records, but not paper-based medical records. This is the current, pitiful state of medical records privacy protection and it is clearly unacceptable.

The inexcusable failure to provide comprehensive medical records privacy for three-years and the obstruction of the Financial Information Privacy Act

of 1999 are just two examples of this Congress' failure to affirmatively and aggressively protect the fundamental privacy rights of American citizens.

I regret that this Republican-led Congress has not chosen to act on even one of the multiple legislative proposals protecting consumer privacy during the 106th Congress. It is my hope that we put partisan politics aside in the 107th Congress and take a hard look at how we can and should protect the fundamental right of privacy in the 21st Century. As each day passes, new financial services, new online services, and new medical data bases are taking shape and institutional practices employing these new technologies are taking root. Unless we decide that privacy is worth protecting—and soon—the erosion of our privacy rights will become irreversible.

#### RETIREMENT OF SENATOR SPENCER ABRAHAM

Mr. LEVIN. Mr. President, when the 106th Congress adjourns, we will lose my colleague from Michigan, Senator SPENCER ABRAHAM. I want to pay tribute to SPENCE ABRAHAM today.

Although we have divergent voting records on many national issues, when the interests of Michigan were at stake, we were usually able to work together on behalf of our constituents. We and our staffs have joined forces on efforts to bring federal resources to Michigan for our highways and transportation, to address agricultural emergencies, economic development, airport modernization, the need for infrastructure to protect the environment, particular issues affecting the health of the Great Lakes and a broad array of other projects.

SPENCE ABRAHAM served on the Senate Judiciary, Commerce, and Budget Committees. In addition, we served together for the past six years on the Small Business Committee where we worked together to support increased funding for the Women's Business Centers program which helps entrepreneurs start and maintain successful businesses. There are three Centers in Michigan: the Center for Empowerment and Economic Development, CEED, which houses the Women's Initiative for Self-Employment, WISE, in Ann Arbor, the Grand Rapids Opportunities for Women, GROW, in Grand Rapids, and The Detroit Entrepreneurship Institute, Inc, DEO.

During this session of Congress, SPENCE and I worked together to get \$2 million added to the Interior Appropriations bill to fund a settlement between Michigan Indian tribes, the State of Michigan and the federal government concerning fishing rights and, among other things, the removal of tribal gill nets from the Great Lakes. At our urging, the FY 2001 Interior Appropriations Bill also contained report language that directed the Bureau of Indian Affairs to include the "Great Lakes Fisheries Settlement agreement

in its fiscal year 2002 budget request." This amount should be \$6.25 million for FY 2002.

We also successfully worked to continue the moratorium on unfair and ineffective increases in CAFE standards and worked out a compromise in the Senate to ensure that a National Academy of Sciences study of the effectiveness and impacts of CAFE standards will include the effect of those standards on motor vehicle safety as well as discriminatory impacts of those standards on the U.S. auto industry.

Also, since SPENCE served as Chairman of the Senate Judiciary Committee's Subcommittee on Immigration, we worked together on amending Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to ensure that Michiganders do not face major traffic delays at the Canadian border. The Immigration and Naturalization Service Data Management Improvement Act of 2000, which SPENCE ABRAHAM introduced and I co-sponsored, replaced the burdensome requirements of Section 110 with a more manageable approach of collecting data, one that would not result in border tie-ups or cause financial strain to Michigan jobs, exports, and tourism.

We worked together on behalf of Michigan veterans. Within the past year, our staffs met with local officials to forge a successful cooperative effort to secure additional funding in Fiscal Year 2001 for the planning and construction of a national cemetery in the Detroit Metropolitan area. Approximately 927,000 veterans live in Michigan, 605,000 of whom reside in the Detroit metropolitan area and a national cemetery here is long overdue.

In his six years in the Senate, SPENCE ABRAHAM earned a reputation as a vigorous, perceptive and hard-working Member. He proudly holds the second longest record of consecutive votes cast among current Senators, having missed no votes in his term. He authored a number of pieces of legislation, but I suspect none more important to him than the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000 named, in part, for Samantha Reid, a Rockwood, Michigan teenager who died after drinking a soft drink she didn't know had been laced with a substance called GHB (Gamma Hydroxybutyric Acid). The Abraham law amended the Controlled Substances Act of 1998 to add GHB, known as the "date rape drug" to the list of Schedule One controlled substances.

Mr. President, as we note the contribution of SPENCE ABRAHAM to our work, my wife Barbara and I wish him, his wife Jane, their twin daughters, Julie and Betsy, and their son SPENCER Robert well as they begin the next chapter of their lives.

#### VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Col-

umbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago on December 8, 1999:

Walter Bryant, 23, Philadelphia, PA;  
Bernardo Gonzales, 69, San Francisco, CA;

Demetris Green, 24, Kansas City, MO;  
Arian McCollough, 23, Philadelphia, PA;

Diante Whitfield, 16, Oakland, CA; and

Unidentified Male, 60, Honolulu, HI.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

#### VICTIMS OF GUN VIOLENCE

Mr. KENNEDY. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

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In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

December 14, 1999:  
Damon Flowers, 23, Baltimore, MD;  
Allen Groves, 38, Denver, CO;  
Lashawn Miller, 20, Detroit, MI;  
Robert Miller, 42, Detroit, MI;  
Isreese Pennington, 20, Detroit, MI;  
Fred G. Schermer, 88, Seattle, WA;  
Bruce A. Spangler, Madison, WI;  
Marcus Stewart, 29, Pittsburgh, PA;  
Roger Thomas, 49, Houston, TX; and  
Reginald Vernon, 33, New Orleans, LA.

Following are the names of some of the people who were killed by gunfire one year ago Monday, Tuesday and Wednesday of this week.

December 11, 1999:  
Manuel Ayon-Coronel, 35, Detroit, MI;

Joseph Brown, Jr., 22, Baltimore, MD;

Tiche Carter, 25, New Orleans, LA;  
Marlin Cooper, 17, Chicago, IL;  
Durrell Dates, 27, Detroit, MI;  
Myatt Ellis, 16, Philadelphia, PA;  
Tisha Ford, 26, Baltimore, MD;

Tyrone Freeman, 27, Philadelphia, PA;

Arthur Green, 28, New Orleans, LA;  
Derrick Irvin, 21, Kansas City, MO;  
Andres Jimenez, 46, Miami-Dade County, FL;

Connie F. Jones, 52, Tulsa, OK;  
Larry Knox, Jr., 15, Baltimore, MD;  
Drena Mines, 34, Atlanta, GA;  
Joseph Nevins, 46, Kansas City, MO;  
Sultan Ali Smith, 27, Seattle, WA; and

Unidentified Male, 70, Charlotte, NC. December 12, 1999:

Donald Adkins, 51, Kansas City, MO;  
Eber Yexsi Blanco, 36, Baltimore, MD;

James Cox, 22, Philadelphia, PA;  
Quentin Dillon, 17, Chicago, IL;  
Alex William Gilliam, 20, San Bernardino, CA;

Lonnie Hardy, 19, Baltimore, MD;  
Kevin Hunter, 23, Chicago, IL;  
Dequar Jarrett, 22, Detroit, MI;  
William Jefferies, 22, Gary, IN;  
Joshua Johnson, 18, St. Paul, MN;  
Carl W. Lawson, 33, Seattle, WA;  
Remilekun Macklin, 17, Chicago, IL;  
Anthony Meadows, 18, San Bernardino, CA;

Karanja Miles, 25, Atlanta, GA;  
George Peck, 40, Detroit, MI;  
Tyreek Powell, 25, Trenton, NJ;  
Thomas Rosas, 34, Chicago, IL;  
Taurian L. Smith, 19, Lincoln, NE;  
Mark Spicer, 21, Chicago, IL;  
Steven Steiner, 23, San Bernardino, CA;

Robert Tucker, 61, Houston, TX; and  
Bijan K. Washington, 25, Seattle, WA; December 13, 1999:

Barbra Amundson, 43, San Francisco, CA;

Keith Barnes, 18, Kansas City, MO;  
Gerardo Garcia, Dallas, TX;  
Zhen Liu Guo, 47, Washington, DC;  
Everette Ragin, 20, Charlotte, NC;  
Steven Shepherd, 18, Kansas City, MO;

Eugene A. Sims, 22, Seattle, WA;  
Jason Thomas, 19, Atlanta, GA;  
Marjorie Warren, 48, San Francisco, CA;

Unidentified Female, Newark, NJ; and

Unidentified Male, 35, Norfolk, VA.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

#### RETIREMENT OF SENATOR FRANK LAUTENBERG

Mr. LEVIN. Mr. President, I want to pay tribute today to a retiring colleague, my friend, Senator FRANK LAUTENBERG.

I have served with FRANK LAUTENBERG in the Senate for the past eighteen years and watched him grow from a man of great accomplishment and success in the private sector to a highly effective and admired public servant. FRANK has left his mark of distinction on our nation's laws in a number of areas reflecting his broad interests and expertise. He has served as the Ranking Democrat on the Senate