

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 trans-border 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 ham-handedness 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 some-

thing 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

programs aimed at providing universal access to voluntary family planning information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more. Now, therefore, I Tommy G. Thompson, Governor of the State of Wisconsin, do hereby proclaim the week of October 25-31, 1998 as World Population Awareness Week, and urge citizens of the State to take cognizance of this event and to participate appropriately in its observance. ●

TRIBUTE TO FRANKIE YANKOVIC,  
AMERICA'S POLKA KING

Mr. FEINGOLD. Mr. President, on October 15th, America lost its reigning Polka King, and Wisconsin lost a beloved friend: Frankie Yankovic.

From the day he debuted in the Milwaukee area at Bert Phillips Ballroom in Menomonee Falls, Frankie Yankovic has had a special place among Wisconsin's polka fans. Wisconsinites loves to polka, so much so that it's our state's official dance. And no polka musician has won more accolades, had more devoted fans, or taught more Americans to love that simple dance than Frankie Yankovic.

While he was born in West Virginia and was a long-time resident of Cleveland, Frankie Yankovic felt a special connection to Milwaukee. "I should have come here and made Milwaukee my hometown," he once said. There is nothing we'd have liked better, but Wisconsinites were lucky for the many chances we've had to enjoy Yankovic's music, and to pay tribute to his myriad achievements in the music world.

In fact, it was in Milwaukee that Yankovic was crowned as America's Polka King in 1948. Just one year later, his "Blue Skirt Waltz" hit number two on Columbia Records' bestseller list, just behind Gene Autry's "Rudolph the Red-Nosed Reindeer," one of the best-selling records of all time. He was the first inductee to both the Polka Hall of Fame in Minnesota in 1988 and the Wisconsin Polka Hall of Fame in 1996.

Yankovic didn't just contribute to popular music, he revolutionized it by infusing traditional polka music with a smoother style, and introducing new instruments, such as the bass fiddle, to polka arrangements.

Throughout his career, Yankovic's singular style energized audiences. His compositions were legendary, including such Wisconsin-inspired tunes as the "Kringleville Polka," about Racine, and "There's No Joy Left Now in Milwaukee," about the Braves leaving for Atlanta.

Yankovic was a man who made audiences roar and floors shake as he brought capacity crowds to their feet to do that simple step that just, as Yankovic put it, "makes people happy." He often rallied audiences by asking "What do you think this is, a concert? Let's get up and dance!"

Milwaukeeans know that Frankie Yankovic was loved coast to coast, appearing on Johnny Carson and performing with the likes of Milton Berle and

Doris Day. And we know that Cleveland was his permanent address. But in Wisconsin, we proudly count him as one of our own. "I love Milwaukee," he often said, and Milwaukee loved him back. On behalf of the people of Wisconsin, I thank Frankie Yankovic for the happiness he brought to Wisconsin's polka fans over the years, and I pay tribute to his memory. ●

CONGRESS AGAIN FAILS TO  
CLEAN UP BROWNFIELDS

● Mr. LAUTENBERG. Mr. President, I very much regret that once again—for the 3rd Congress, that's six years—the Congress has refused to take action on brownfields legislation because of unrelated and very controversial issues related to the Superfund program.

As I have for three Congresses, on the very first day of the 105th Congress, along with ten other Senators, I introduced S. 18, a bill to encourage brownfields revitalization efforts. Brownfields are abandoned, or idle, former industrial properties which may or may not be contaminated. Brownfields exist in cities, suburbs and rural areas. Their reuse can result in badly needed jobs and significant revenues along with environmental cleanup of hundreds of thousands of communities across the country. One section of S. 18 established an exemption from potential Superfund liability for developers who clean up brownfields but had nothing to do with any contamination that might be present. These provisions merely clarified that Congress did not intend the specter of Superfund liability to deter the purchase and redevelopment of brownfields properties. This simple clarification has long enjoyed broad-based, bipartisan support.

Mr. President, on November 7, 1997, I also introduced S. 1497. This bill is in some ways analogous to the brownfields bill, in that it provides an exemption from Superfund liability for homeowners, small businesses, and non-profit organizations which sent only municipal solid waste to Superfund sites.

Mr. President, S. 1497 was, so to speak, dedicated to Barbara Williams, and all those like her, who got caught up unfairly in a litigation web that the Congress never intended when Superfund was written. Barbara Williams is the owner of Sunny Ray Restaurant. Ms. Williams was sued and asked to pay for cleanup of a Superfund site, though she only disposed of mashed potatoes and other restaurant waste at that site. She has testified before the Environment and Public Works Committee twice.

Mr. President, I find it appalling that this woman was stuck in a Superfund lawsuit, brought by industries that had polluted the site but did not want to pay to clean up their mess. S. 1497 included a provision clarifying that Congress did not intend parties such as homeowners, pizza parlor owners, or girl scouts—that disposed only of

household, or household-like trash—to be subject to suit under Superfund. Like brownfields liability exemptions, these exemptions for innocent parties enjoy broad, longstanding, bipartisan support.

Mr. President, this is the third consecutive Congress we have negotiated comprehensive Superfund reform, but failed to pass legislation. In the 103rd Congress, the Committee marked up a comprehensive Superfund reform bill that boasted unusually broad-based support, and reported it out on an 13:4 vote. But for reasons which had little to do with Superfund, for reasons that were blatantly political, the bill was not enacted into law. In the 104th Congress, consensus evaporated, and the Republican Majority introduced comprehensive reform bills that can only be described as extreme. In the 105th Congress, the parties got closer, yet, despite the hundreds of hours of work by our staffs, did not get close enough. I personally spent weeks negotiating painstaking details of this complex statute. But unfortunately, rather than resolve remaining differences, the Committee elected to proceed to a partisan mark-up. Indeed, it reported its Superfund bill, S. 8, almost entirely along party lines, with the vote on final passage at 11:7.

Mr. President, the Committee may or may not take up comprehensive reform again in the 106th Congress. Given GAO's August, 1998 report finding that EPA has already selected remedies at 95% of non-federal Superfund sites, I question whether this effort is at all worthwhile. But the battle lines are beginning to be drawn. It is reported that some are urging industry to spend as much as did the tobacco industry—some \$40 million—to have their way.

But while my Republican colleagues persist in an all or nothing strategy, I urge that this body be cognizant of the price exacted by this approach. This posture essentially takes our nation's cities and small businesses as hostages in a war over Superfund. And the consequences are very real.

The nation's Mayors estimate they lose between \$200 and \$500 million a year in tax revenues from brownfields sitting idle, and that returning these sites to productive use could create some 236,000 new jobs. They, as well as developers and bankers, say immediate action is imperative, since new tax laws provide incentives for brownfields redevelopment, but expire in 2001. In short, the window is narrow during which brownfields reform will make any difference at all. Each day Congress fails to act on brownfields liability, it deprives our cities of unique redevelopment opportunities.

And as for municipal solid waste, as Mrs. Williams testified, neither her lawyer's fees nor her settlement costs are covered by insurance, nor are they business expenses she can deduct. She must make enough money to pay these penalties on top of her other bills and her payroll. Each day Congress fails to