

Chris Cylke, Joseph Dworak, Jason Einertson, Erik Einertson, Don Erickson, Pat Eveland, Jensine Frost, Chris Gunhus, Lianchao Han, Elizabeth Heir, Peter Hong, Todd Hower, Eric Huebeck, Jay Jackson, Dan Kauppi.

Jason Kelley, Pat Kenny, Anthony King, Adam Knapp, Ray Livengood, Diane Lochner, Careen Martin, Darrell McKigney, Andrea Miles, Brent Moore, Tim Morrison, Gretchen Muehlberg, Vaughn Murphy, Joe Natalicchio, Amy Novak.

Matt O'Donnell, Mark Olson, Merna Pease, Linda Pope, Heidi Rasmussen, Anthony Reed, John Revier, Jill Rode, Erik Rudeen, Gary Russell, Fritz Schick, Mark Sherid, Maggie Smith, Tim Stout, Michael Tavernier.

Braden Tempas, Herb Terry, Pam Thiessen, Joe Trauger, Kiel Weaver, Jeffery Weekly, Linda Westrom, Krista Winter, Tom Yedinak.

#### INTERNS

Jerry Aanerud, Brandon Adams, Margery Amundsen, Kent Anderson, Gulzar Babaeva, Joel Brusewitz, Cheryl Budewitz, Kate Busby, Steve Chappell, Cristi Cota, Amanda Daeges, Brad Davis, Michelle Dhein, Ryan Ellis, Jenny Erickson, Julie Fishman, Charlie Fox, Tom Goetz, Kristen Gross, Kevin Gustafson.

Jennifer Halko, Chris Hansen, Nancy Hartwell, Elicia Heir, Christian Heitzman, Dan Herrboldt, Jon Herzog, Michael Hiltner, Kelly Huebner, Jessica Inda, Andy Irber, Tom Johnson, Jay Johnston, Kari Klassen, Rob Kloek, Mark Knapp, Jason Kohler, Tim Kohls, Joey Kramlinger.

Margo Larson, Brad Lein, Jeff Love, Melissa Maranda, Brian McCarty, Jennifer McWilliams, Stephanie Moore, Ed Moreland, Jon Nelson, Hue Nguyen, Loc Nguyen, Ben Nicka, Jared Nordlund, Olga O'Hanlon, Gabe Perkins, Gretchen Printy, Jessica Qually, Allison Rajala, Stephanie Richard, Oscar Rodriguez.

Miranda Rollins, Julie Schellhase, Patrick Schott, Meghan Shea, Anne Sigler, Valerie Sims, Matt Skaret, Tanetha Smith, Pat Spieker, Andrea Staebler, Tom Starshak, Amy Thorson, Kristian Vieru, Christine Vix, David Webb, Benjamin Wilson, Kristy Wolske, Ryan Wood.

The PRESIDING OFFICER. The Senator from Virginia.

#### SENATOR ROD GRAMS

Mr. WARNER. Mr. President, our distinguished colleague, Senator GRAMS, will go on to, I hope, an even greater challenge.

What a privilege it has been for me and I think all in this Chamber to have had his service for a few years. I was particularly impressed by Senator GRAMS' willingness to take on assignments which others felt they would rather not have because of the challenge—particularly on the Foreign Relations Committee and those relating to Africa, those relating to the United Nations, and issues which are very vital not only to our Nation but to the whole world.

I wish to commend the Senator. I hope that he will continue to apply his talents and his wisdom and energy to solving those difficult challenges.

I recently visited the U.N. with Ambassador Holbrooke. Time and time again, I was in consultation with him and other ambassadors from other na-

tions in regard to the budget situation. Senator GRAMS was instrumental in the landmark piece of legislation, Helms-Biden.

I hope he will continue to apply his talents.

I wish Senator GRAMS and his family well.

Mr. GRAMS. I thank very much the Senator from Virginia.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. GRAMS. I graciously yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I asked the Senator to yield because I want to share in the good wishes that have been expressed by the distinguished senior Senator from Virginia to the Senator who is about to depart from our midst.

Let me say that the Senator has always been nice to me. He is always cheerful and is always ready to reach out a welcoming hand. I appreciate that.

The Senator and I don't serve on any committees together. I am sorry I never had that opportunity or that pleasure.

But I shall miss the Senator. I shall miss his ready smile and his firm hand claps.

I, too, wish him well in the days to come. Our Senate is better for his having served here. My life is better for having known him and having had the opportunity to serve in this great body with him.

I hope he will come back to see us. I hope I shall get to see him again. I thank the Senator for yielding.

Mr. GRAMS. I thank the very honored and respected man in the Senate, the Senator from West Virginia, for his kind words.

#### THE LOW INCOME HOUSING TAX CREDIT

Mr. KENNEDY. Mr. President, one of the most significant bipartisan achievements by Congress and the Clinton Administration is the increase in the Low Income Housing Tax Credit that we should enact this week. However, I am concerned that the Internal Revenue Service is taking a position in audits that may undermine the goal of the credit.

Last month, the IRS issued a series of five technical advice memoranda, TAM, on the credit, in response to questions about an audit of a low-income housing developer earlier this year. The memoranda described what may be included in the basis of a property to calculate the amount of the credit that a state can allocate for a development.

The memoranda were requested and issued because no regulations currently exist to clearly define the eligible basis for determining the credit. In the absence of regulations, this highly technical advice is all that taxpayers have available, but these specific instructions for a single taxpayer should not

necessarily be the final word on the wide variety of developments across the nation. Regulations would be much clearer and would be fully developed by the Treasury Department.

A further issue is that the memoranda are inconsistent with current industry practice. The positions taken in the memoranda could lower the eligible basis by over 15 percent, reducing available credits for a project. I am concerned that such a sharp reduction in the credit would mean that many planned developments for affordable housing will no longer be economically feasible, and will force developers to decide against building affordable units. It is also possible that this reduction in available credits for projects could be applied retroactively—nullifying credits that have already been allocated and destroying confidence in this important program that Congress worked so hard to establish.

Since States are allocated a fixed number of credits based on population, the memoranda do not save the Treasury any revenues. They simply limit the amount of credits available per project, making individual projects less attractive to developers. The result is fewer affordable housing units at a time when housing prices have soared in many communities across the country.

I am also concerned about the lack of opportunity for public comment on this issue. Preparing regulations requires comment, but issuing such memoranda does not. Many constituents—tenants as well as developers—have strong concerns about the credit, and they should have the opportunity to express those concerns adequately. Developers and housing advocates can provide valuable information on the application of these credits, and their views should be taken into consideration.

With the growing regional and national economy, housing prices are increasing faster in Massachusetts than any other state. Many studies have shown that we must increase production in new affordable housing units throughout the state to meet the overwhelming demand for affordable housing. We must do all we can to see that the low income housing tax credit is used effectively to meet this pressing need.

I urge the Treasury Department to begin the process of developing appropriate regulations on this important issue, including opportunities for detailed public comments.

#### RETIREMENT OF SENATOR RICHARD H. BRYAN

Mr. LEVIN. Mr. President, when the 106th Congress finally adjourns sine die in the next several days, it will mark the end of the Senate service of one of this body's most thoughtful and respected members, Senator RICHARD BRYAN.

DICK BRYAN came to the Senate having already distinguished himself as a

popular attorney general for four years and governor for six years in Nevada. In his two terms in the Senate, DICK has fought for the protection of American consumers. His successful legislative battles include the requirement that automobiles sold in the U.S. be equipped with air bags, fair credit reporting and toy labeling legislation. He has been a pioneer in the area of internet privacy protection legislation, including his bill, the Children's Online Privacy Protection Act, which passed last year by the Senate.

DICK BRYAN has earned a reputation as a tenacious defender of the interests of the people of Nevada. Whether attempting to block the storage of federal waste at Yucca Mountain, attempting to ban internet gambling, or fighting for federal projects in Nevada, DICK BRYAN has time and again been a formidable advocate for his constituents.

DICK BRYAN has also been a strong voice in the Senate for fiscal responsibility. A critic of excessive "pork-barrel" spending and wasteful programs, he help lead the fight back to a balanced federal budget.

I have served with DICK on the Senate Select Committee on Intelligence, on which he now serves as Vice-Chairman. On that Committee, DICK has led the minority while steadfastly working toward a bipartisan approach to the Committee's critical oversight of the nation's intelligence community.

Mr. President, I know I speak not only for my wife, Barbara and myself, but for all of us in the Senate family, when I say that we will profoundly miss DICK and Bonnie BRYAN. We wish them, their three children and three grandchildren a healthy and happy future. It was DICK's love of family and his desire for quality time with them and his desire for quality time in his beloved Nevada which takes him from us. While there will be a big hole in our Senate family with his departure, we admire his reasons for leaving, just as we admire and celebrate his contributions to the well being of our nation.

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REPORT CARD OF THE 106TH  
CONGRESS ON PRIVACY

Mr. LEAHY. Mr. President, I rise today, as Chairman of the Senate Democratic Privacy Task Force, to speak about the privacy rights of all American citizens and the failure of this Congress to address the important issues threatening these fundamental rights of the American people.

When he announced the creation of the Democratic Privacy Task Force earlier this year, the Senate Democratic Leader, Senator TOM DASCHLE, said, "The issue of privacy touches virtually every American, often in extremely personal ways. Whether it is bank records or medical files or Internet activities, Americans have a right to expect that personal matters will be kept private." Yet, our laws have not kept pace with sweeping technological

changes, putting at risk some of our most sensitive, private matters, which may be stored in computer databases that are available for sale to the highest bidder. As Senator DASCHLE stated, "That is wrong, it's dangerous, and it has to stop."

In leading the Democratic Privacy Task Force, I took this charge to heart and determined that an important first step in formulating workable and effective privacy safeguards was to make sure we understood the scope of the problem, both domestically and internationally, the status of industry self-regulatory efforts and the need for legislative solutions. At the announcement of the Privacy Task Force, I noted that we would focus on Internet, financial and medical records privacy, explaining that, "It is important to come to grips with the erosion of our privacy rights before it becomes too late to get them back. We need to consider a variety of solutions, including technological one, and we need to look at the appropriate roles for private as well as public policy answers."

To this end, the Senate Democratic Privacy Task Force sponsored several member meetings and briefings on administrative steps underway in the Clinton-Gore Administration to protect people's privacy, industry self-regulatory efforts, and other specific privacy issues. These meetings included a discussion with White House privacy experts Peter Swire, Chief Counselor for Privacy at the Office of Management and Budget, and Sally Katzen, Counselor to the Director at the Office of Management and Budget, on the status of multilateral negotiations on implementation of the EU Privacy Directive and the effects on U.S. business. At another meeting, officials from OMB and the Department of Treasury described financial privacy issues. Yet another meeting provided a public forum for industry executives representing various seal programs to describe the successes and pitfalls of internet privacy self-regulatory activities. These task force meetings focused on relevant and pressing issues affecting consumer privacy in this country, prompting many Democratic members to look at legislative solutions.

Democrats have worked to enhance consumer privacy protections through the introduction of several legislative proposals—some with bipartisan support—regarding medical, financial, and online privacy and identity theft. Democratic Senators who have sponsored privacy legislation this Congress include, Senators BOXER, BREAUX, BRYAN, BYRD, CLELAND, DASCHLE, DORGAN, DODD, DURBIN, EDWARDS, FEINSTEIN, FEINGOLD, HARKIN, HOLLINGS, INOUE, JOHNSON, KENNEDY, KERRY, KOHL, LAUTENBERG, MIKULSKI, MURRAY, ROBB, ROCKEFELLER, SARBANES, SCHUMER, TORRICELLI, and WELLSTONE.

Despite the best efforts of Democratic Senators to heed the public call for greater privacy protection and to bring privacy issues to the forefront of

our legislative agenda, the Republican majority has failed to bring all sides and stakeholders together to craft workable and effective safeguards in any of the areas where privacy rights are most at risk, namely, for internet activities, medical records or financial information.

During this Congress, for example, instead of focusing on ways to enhance privacy safeguards, the largest number of hearings (thirteen) and innumerable briefings held by the Senate Judiciary Committee or its subcommittees were directed at dissecting the manner in which the Department of Justice handled the investigation and prosecution of certain cases involving national security-related information and campaign financing. In the eyes of some members, the convictions obtained were proof of success, and in the eyes of others they were not. In our next Congress, it is my hope that we will not be distracted by such partisan pursuits, but that our time will be better spent on crafting privacy legislation that will make a real difference in the lives of every American. This is no easy task and will require both hard work and the commitment of member and staff time, but the next Congress should not shy away from this important issue, as has this one.

The right to privacy is a personal and fundamental right protected by the Constitution of the United States. 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. Yet, new technologies, new communications media, and new business services created with the best of intentions and highest of expectations challenge our ability to keep our lives to ourselves, and to live, work and think without having personal information about us collected and disseminated without our knowledge or consent. Indeed, personal information has become a valuable and widely traded commodity by both government and private sector entities, which may use the information for purposes entirely unrelated to its initial collection. Moreover, this information may be stolen, sold or mishandled and find its way into the wrong hands with the push of a button or click of a mouse.

The American people are becoming more aware of this problem and are growing increasingly concerned with expanding encroachments on their personal privacy. American consumers are demanding better privacy protection and simply avoiding those markets perceived to pose the most risk to privacy interests.

New technologies bring with them new opportunities, both for the businesses that develop and market them, and for consumers. It does not do anyone any good for consumers to hesitate to use any particular technology because they have concerns over privacy.