

This election is coming down to: Do you want the Bush tax cut for primarily wealthy people, and do you want to target the tax cuts and invest in paying down the debt? Do you want to keep Social Security strong for decades to come, or try a privatization approach which Governor Bush proposes which has never been tested and will cost us a trillion dollars and runs the risk of more red ink, more deficits, and problems in the future?

We are taking the Gore and Democratic side, fiscally prudent approach which says: Let's look to the future in real uncertain terms.

I know we only have until 11:30 for morning business. My colleague from New York is here. I yield the floor to Senator SCHUMER.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. SCHUMER. I thank the Chair. Mr. President, I also thank the Senator from Illinois for his, once again, enthusiastic, as well as erudite, presentation on our fiscal policy and on Social Security. Maybe after I finish what I have to say I will say a few words on that. I do not know the time situation.

GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but this Republican Congress still 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 some of the names of those who lost their lives to gun violence in the past year and will continue to do so every day the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some people who were killed by gunfire 1 year ago today. Before I read the names, these are names, just letters in black and white, but every one represents a life living and breathing, loving and was loved. Every one leaves a family and friends who will never be the same, as well as the tragedy for all of us that someone is untimely taken from us:

Rodney Autry, 30 years old, Dallas, TX; Aaron Baskin, 28 years old, Chicago, IL; Shawn Blake, 24 years old, Detroit, MI; Eddie Espinosa, 17 years old, Miami-Dade County, FL; Keith Gales, 19 years old, Pittsburgh, PA; Rodney J. Graham, 25 years old, Chicago, IL; Gaberiel Herrea, 22 years old, Detroit, MI; Francisco Horta, 33 years old, Miami-Dade County, FL; Eddie JOHNSON, 17 years old, New Orleans, LA; Goodman Jones, 55 years old, Concord, NC; Brian Sentelle Hill, 20 years old, Macon, GA; Harvey Meyers, 23 years old, Philadelphia, PA; Tarvis E. Miller, 25 years old, Chicago, IL; Cleophis Ramsey, 41 years old, Miami-Dade County, FL; Jesus Rodriguez, 22 years old, Houston, TX; Luther Faye SMITH, 45 years old, Tulsa, OK; Thomas

Tyler, 20 years old, New Orleans, LA; Frederick Williams, 19 years old, Detroit, MI; Jamal Williams, 18 years old, Philadelphia, PA; unidentified female, 12 years old, Chicago, IL; an unidentified male, 24 years old, Norfolk, VA; an unidentified male, 60 years old, Portland, OR.

I hope and pray the reading of these names importunes us to act. Would all of these deaths be prevented with better laws on the books? Maybe not. Would some of them have been prevented with better laws on the books? Most likely. But even if there is a chance that one of the lives I have mentioned might be living, breathing, living under God's sunshine on this Earth, being the kind of person we can all be just by the gift of life, then there is no reason not to act.

I hope the understanding that every day, every year, there are names such as these from every part of this country who are killed by gun violence will finally move this body to act.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. KENNEDY. Mr. President, I once again bring the attention of the Senate to the importance of completing action on an issue that is of fundamental importance to families all across this country, and that is the role of the Congress in addressing the elementary and secondary education challenge which exists across our Nation in which local communities and States are taking action and in which the Federal Government is also a partner.

We have had a total of 6 days debate. Of the 6 days, 2 were debate only. We were not permitted to have votes on 2 of those 6 days, so we had 4 days of debate and votes. We had a total of 8 amendments. One was a voice amendment. There were 7 rollcalls. Of the 7 rollcalls, 2 of those rollcalls were on amendments we had indicated we were prepared to accept. Essentially, we have had 4 days of debate and 5 votes on this legislation.

This is what our good Republican friends have indicated to us about the priority of education.

In January 6, we have our majority leader saying:

Education is going to be a central issue this year. For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

These are his remarks to the U.S. Conference of Mayors luncheon on January 29:

But education is going to have a lot of attention, and it's not going to be just words.

On June 22, he said:

Education is No. 1 on the agenda of Republicans in the Congress this year.

In remarks to the U.S. Chamber of Commerce on February 1, 2000, he said:

We're going to work very hard on education. I have emphasized that every year I have been majority leader, and Republicans are committed to doing that.

On February 3, in a speech to the National Conference of State Legislatures, he said:

We must reauthorize the Elementary and Secondary Education Act. Education will be a high priority in this Congress.

Congress Daily, on April 20, said this:

Lott said last week that his top priorities in May include an agriculture sanctions bill, ESEA reauthorization, and passage of four appropriations bills.

May 1:

This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

On May 2, I asked Senator LOTT:

On ESEA, have you scheduled a cloture vote on that? Senator Lott said:

No, I have not. . . . But education is No. 1 in the minds of the American people all across the country, in every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

On May 9, at the time when the legislation was pulled down, I asked the majority leader:

As I understand, we will have an opportunity to come back to ESEA next week. Is that the leader's plan?

He said:

That is my hope and intent.

We are about to go out for a period of 10 days. We are reaching the end of May. We have no end in sight for the completion of legislation dealing with the Elementary and Secondary Education Act. We have been prepared to enter into short time agreements on the various proposals. I don't know of a single amendment on this side on which we could not enter into a time agreement of 1 hour equally divided. We put that forward and we have outlined in detail the various education amendments that we had intended to offer. But we are not getting focus, attention, and priority on this legislation.

I don't believe the American people want us to stonewall on the issue of education. I don't think they want the Senate gagged from having a full debate, discussion and action. We have had other legislation, such as the bankruptcy bill, that went for 15 or 16 days of debate before completion. We can take the time that is necessary and also complete the work on the appropriations bills. But we are serious about bringing this matter to the floor. We are going to raise it continuously. We want to take action. We think families across this country know appropriations are important, but those appropriations are not going to actually be expended until the fall. Families want to know, as we go on into this year, what we are going to do on education and education policy. We owe it

to the families, and we have every intention of pursuing it on this side of the aisle.

I yield the floor.

INTERNET PRIVACY

Mr. KERRY. Mr. President, last night, the FTC released its report on Internet privacy. We are, all of us, in the midst of an Internet revolution in this country. It is extraordinary, when we think about it, to take note of the fact that the Internet has only been in existence about 6 or 7 years now. During that time, it has had a profound impact on everybody's life, particularly on business, and increasingly on consumer opportunity.

I have tremendous respect for the work the FTC has done on this issue. Its monitoring of web sites and the convening of working groups have been very helpful in educating all of us on a very complicated new arena. The FTC plays an important role in oversight and regulating our economy, and I think it is fair to say that its Commissioners have navigated admirably through the complexity of the new economy.

But—and here is the “but,” Mr. President—at this particular moment in time, I very respectfully disagree with the regulatory approach to Internet privacy proposed by the FTC. Let me be clear. Yes, consumers have a legitimate expectation of privacy on the Internet, and they will demand it, and I personally want that right of privacy protected. But I also believe that they want an Internet that is free and that gives them more choices rather than fewer. I believe that a regulatory approach mandated by in-depth, detailed congressional legislation at this particular point in time could actually harm consumers in the long run by limiting their choices on the Internet.

On the Internet today, we can buy and sell anything. We can research everything from health information to sports scores to movie reviews. We can keep track of our stock portfolios, tomorrow's weather, and the news throughout the world. And we do most of that free of charge. The reason we can surf from page to page for free is because the Internet, like television, is supported by advertising—or is struggling to be supported by advertising. Obviously, access is by subscription in most cases; but the point is that advertising is increasingly growing. Business spent more than \$1.9 billion to advertise on the web in 1998, with spending on electronic advertising expected to climb to \$6.7 billion by 2001.

It is this advertising that is the reason we don't have a subscription-based Internet—at least at this point in time. That would clearly limit a lot of people's online activities, and it would contribute to the so-called digital divide. Instead, we have an Internet that we can freely explore. It is my sense that people like this model of the Internet, and they understand that the

banner ads they see on their screens are necessary in order to try to keep the Internet free.

What I don't think people understand is that, at least for now, the model for Internet advertising is going to include ads that are narrowly targeted to particular customers. The jury is still out on whether a targeted model is going to work. Currently, the click-through rates—the average percentage of web surfers who click on any single banner ad have fallen below the 1-percent mark, compared with about 2 percent in 1998. Some see that as a sign that the advertising model on the Internet has failed. Others say the percentages are lower, but that is because more and more ads are being placed. What it tells me is that it is simply too soon for the Congress of the United States to step in and prevent that model from running its course. If, for the time being, we allow or acknowledge that the economy of the Internet calls for targeted advertising, we must also recognize that it won't attract customers if they believe their privacy is being violated.

Finding the fine balance of permitting enough free flow of information to allow ads to work and protecting consumers' privacy is going to be critical if the Internet is going to reach its full potential. I believe that we in Congress have a role to play in finding that balance, although we should tread very lightly in doing so.

In the past, I have argued that self-regulation was the best answer for consumers and the high-tech industry itself in relation to privacy. I hope we can continue to focus on self-regulation because Congress will, frankly, never be light-footed enough—nor fast-footed enough—to keep up with the technological changes that are taking place in the online world.

However, poll after poll shows that consumers are anxious that their privacy is not being protected when they go online.

For example, a 1999 survey by the National Consumers League found 73 percent of online users are not comfortable providing credit card or financial information online and 70 percent are uncomfortable giving out personal information to businesses online. Moreover, due to privacy concerns, 42 percent of those who use the Internet are using it solely to gather information rather than to make purchases online.

Likewise, a Business Week survey in March 2000 noted that concern over privacy on the Internet is rising. A clear majority—57 percent—favor some sort of law regulating how personal information is collected and used. According to Business Week, regulation may become essential to the continued growth of e-commerce, since 41 percent of online shoppers say they are very concerned over the use of personal information, up from 31 percent two years ago. Perhaps more telling, among people who go online but have not shopped there, 63 percent are very concerned, up from 52 percent two years ago.

In addition to it being too early in the process for Congress to embark on sweeping legislation, I believe there are still a number of fundamental questions that we need to answer. The first is whether there is a difference between privacy in the offline and online worlds.

I think polls like that are the result of the failure, so far, of industry to take the necessary initiative to protect consumers' privacy. But we should not neglect to notice that industry is making progress. When the Federal Trade Commission testified before the Commerce Committee about this time last year, it cited studies showing that roughly two-thirds of some of the busiest Web sites had some form of disclosure of privacy policies. This year, the FTC reports that 90 percent of sites have disclosure policies. Likewise, last year the FTC found that only 10 percent of sites implemented the four core privacy principles of notice, choice, access and security. This year the FTC reports that figure at 20 percent. That is still not high enough, but this is a five-year-old industry. We've seen significant improvements without the need for intrusive congressional intervention. It is simply too soon to write off a market driven approach to privacy.

Most of us don't think about it. But I want to make a point about the distinction between the offline and online world. When you go to the supermarket and you walk into any store and swish your card through the checkout scanner, that scanner has a record of precisely what you bought. In effect, today in the offline world, people are getting extraordinarily detailed information about what you are purchasing. The question, therefore, is to be asked: Is there some kind of preference about what happens at the supermarket, or any other kind of store, and is that somehow less protected than the choice you make online? Likewise, catalog companies compile and use offline information to make marketing decisions. These companies rent lists compiled by list brokers. The list brokers obtain marketing data and names from the public domain and governments, credit bureaus, financial institutions, credit card companies, retail establishments, and other catalogers and mass mailers.

I have been collecting the catalogs that I have received just in the last few weeks from not one online purchase, and I have been targeted by about 50 catalogs just on the basis of offline purchases that have been made and not because of an online existence.

Even in politics, off-line privacy protections may be less than those we are already seeing online. For example, we all know that campaigns can and do get voter registration lists from their states and can screen based on how often individuals vote. They will take this data and add names from magazines—Democrats could use the New Republic and Republicans might choose