

similar bill in 1998, legislation which passed the Senate, 90-4, and was subsequently vetoed by the President.

I also support the outcome of the other rollcall votes that occurred in the Senate today, for the confirmation of two Federal judges. Kermit Bye, nominated to be U.S. Circuit Judge for the 8th Circuit, and George Daniels, nominated for District Judge of the southern district of New York, are both highly qualified judges. Both were confirmed today, by votes of 98-0. In both cases, my vote would have made the outcome 99-0.

Although I regret that I was unable to cast these three votes, I am pleased to have advanced the economic well-being of my state by continuing my fight to open markets for Montana agriculture.

INTERNET PRIVACY

Mr. HOLLINGS. Mr. President, I want to bring to the Senate's attention an article from today's *TheStreet.Com* entitled "DoubleClick Exec Says Privacy Legislation Needn't Crimp Results." For many Americans, the fear of a loss of personal privacy on the Internet represents the last hurdle impeding their full embrace of this exciting and promising new medium. In addition, many other Internet users unfortunately are today unaware of the significant amount of information profiling that is occurring every time they visit a web site. Notwithstanding the significant privacy concerns raised by such surreptitious activity, many companies continue to oppose even a basic regulatory framework that would ensure the protection of consumers' privacy on the Internet—a basic framework that has been successfully adopted with respect to other areas of our economy. That is why I was so pleased to see a leading Internet Executive from DoubleClick state that his company would not "face an insurmountable problem" in attempting to operate under strict privacy rules. Complying with such rules is "not rocket science," the executive stated, "It's execution." Obviously, what this gentleman has asserted is that strict privacy rules would not impede the basic functionality and commercial activity on the Internet. I look forward to working with my colleagues on the Commerce Committee to draft legislation in this area and hope that others in industry will join DoubleClick's apparent willingness to implement pro-consumer privacy rules.

I ask unanimous consent that an article entitled "DoubleClick Exec Says Privacy Legislation Needn't Crimp Results" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the *Street.Com*, February 24, 2000]

DOUBLECLICK EXEC SAYS PRIVACY LEGISLATION NEEDN'T CRIMP RESULTS (By George Mannes)

The worst-case scenario for DoubleClick (Nasdaq: *DCLK*—*news*) may not be so bad after all.

The Internet advertising company has suffered a barrage of negative publicity recently over the information it gathers on people's online activities. News that the Federal Trade Commission is conducting an informal inquiry into the company's data-collection policies was among the developments that prompted a 23% decline in the stock's price over the past week. (It rose 1 47/64 Wednesday to close at 85 55/64.)

But at a Wall Street conference Wednesday, a DoubleClick executive at the eye of the data-collection storm told investment professionals that even the worst outcome for DoubleClick wouldn't present a major hurdle to its business plans.

ROCKET SCIENCE

Jonathan Shapiro, senior vice president and head of the company's Abacus Online Alliance, told a group of attendees at the eMarketing2000 conference hosted by C.E. Unterberg Towbin that DoubleClick would be able to find a way to operate under stricter privacy rules. "It's not rocket science," Shapiro said. "It's execution."

Shapiro's comments come in the wake of assertions by activists and at least one senator that, to protect people's privacy online, DoubleClick and other online marketers should be restricted from continuing current information-collection policies. That hasn't sat well with DoubleClick, whose president suggested last week that such restrictions would hurt the company and threaten the financial health of all Internet companies relying on advertising revenue.

As part of its strategy to help marketers finely target their advertising messages, DoubleClick is in the process of merging anonymous profiles of the online behavior of millions of Web surfers with information from its recently acquired subsidiary Abacus Direct. The company's goal is to tie as many of the anonymous online profiles as it can to its Abacus database, which details the names and off-line purchasing habits of millions of consumers.

OPTING OUT

At issue is how easily DoubleClick will be able to attach names and addresses to its anonymous online profiles. The company hopes it will be able to continue its current "opt-out" process. Under that procedure, if people register by name at a DoubleClick-affiliated site such as Alta Vista, DoubleClick can attach that name to the information it gathers from different sites and through Abacus Direct, assuming the person has been sufficiently warned and hasn't specifically refused to the arrangement, or "opted out." In contrast, the privacy bill that Sen. Robert Torricelli (D., NJ) introduced this month would prevent DoubleClick from collecting personally identifiable information unless surfers have "opted in," or specifically agreed to the arrangement.

But even if DoubleClick were required to switch from opt-in to opt-out, the company wouldn't face an insurmountable problem, according to Shapiro. "If we have to go to opt-in . . . we'll get people to opt in," he told a small group of investors at a breakout session.

Asked how the company would be able to do this, Shapiro made it sound like no big deal. "You'd do a value exchange," he said,

outlining a scenario in which the company could easily get 20 online merchants with which it does business to each contribute a \$10-off to a coupon book. Then DoubleClick could use that coupon book as an incentive to have online consumers opt in. The merchants, not DoubleClick, would absorb the cost of the coupons, and consumers would benefit by receiving a \$200 value, he said.

LIFTING THE GLOOM

Shapiro's comments stand in contrast to the gloomy statements made last week by DoubleClick President Kevin Ryan who said if companies were forced to get Internet surfers to opt in, "it would be extremely hard for the Internet to be successful." Ryan may have been talking about having to get permission even to create anonymous online data, not just personally identifiable profiles.

But a reading of Torricelli's bill, as well as an FTC complaint filed by the Electronic Privacy Information Center indicates that proponents of opt-in want it only for personally identifiable information. "If there's a realistic assurance that the information collected will remain anonymous and not be tied to an actual identity, there is no real need for an affirmative opt-in," says David Sobel, general counsel for EPIC.

In a further indication that opt-in isn't a life-or-death issue for DoubleClick, Shapiro said the company wouldn't have to personally identify all the now-anonymous surfers in its database before the Abacus information would be useful. What DoubleClick will be able to do, he said, is to use a sample of identifiable surfers—for whom it has personally identifiable purchasing histories and online habits—to make an educated guess at the buying habits of surfers who remain anonymous. DoubleClick believes that tactic will be possible using information from about 5 million personally identifiable Internet users—a sample size the company hopes to amass by the end of the year. So far, the company has between 100,000 and 200,000 profiles in its combined off-line-online database, Shapiro said.

But that doesn't mean the company would be ready to quit after collecting 5 million of these profiles. "We would like to, over time, learn who people are," Shapiro said.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 23, 2000, the Federal debt stood at \$5,744,135,736,409.24 (Five trillion, seven hundred forty-four billion, one hundred thirty-five million, seven hundred thirty-six thousand, four hundred nine dollars and twenty-four cents).

One year ago, February 23, 1999, the Federal debt stood at \$5,619,948,000,000 (Five trillion, six hundred nineteen billion, nine hundred forty-eight million).

Five years ago, February 23, 1995, the Federal debt stood at \$4,837,337,000,000 (Four trillion, eight hundred thirty-seven billion, three hundred thirty-seven million).

Ten years ago, February 23, 1990, the Federal debt stood at \$2,992,887,000,000 (Two trillion, nine hundred ninety-two billion, eight hundred eighty-seven million) which reflects a doubling of the debt—an increase of almost \$3 trillion—\$2,751,248,736,409.24 (Two trillion,

seven hundred fifty-one billion, two hundred forty-eight million, seven hundred thirty-six thousand, four hundred nine dollars and twenty-four cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7641. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings" (Docket No. 92F-0443), received February 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7642. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical devices; Reclassification and Codification of Neodymium; Yttrium; Aluminum: Garnet (Nd: YAG) Laser for Peripheral Iridotomy" (Docket No. 93P-0277), received February 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7643. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report relative to the designation of an Acting Assistant Secretary for Pension and Welfare Benefits; to the Committee on Health, Education, Labor, and Pensions.

EC-7644. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for fiscal year 1999 on the implementation of the authority and use of fees collected under the Prescription Drug User Fee Act of 1992; to the Committee on Health, Education, Labor, and Pensions.

EC-7645. A communication from the Director, Corporate Policy and research Department, Pension Benefit Guaranty Corporation transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits", received February 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7646. A communication from the Secretary of Health and Human Services, trans-

mitting, pursuant to law, a report relative to emergency funds made available under the Low-income Home Energy Assistance Act of 1981; to the Committee on Health, Education, Labor, and Pensions.

EC-7647. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 65 FR 7440; 02/15/2000" (Docket No. FEMA-7305), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7648. A communication from the Chairman, Board of Governors of the Federal Reserve System transmitting, pursuant to law, its Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-7649. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 65 FR 7443; 02/15/2000", received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7650. A communication from the Executive Director, Emergency Steel Guarantee Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decisions; Availability of Environmental Information" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7651. A communication from the Executive Director, Emergency Steel Guarantee Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decisions; Availability of Environmental Information; Correction" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7652. A communication from the Executive Director, Emergency Steel Guarantee Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decision; Application Deadline" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7653. A communication from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decision; Application Deadline" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7654. A communication from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decision; Availability of Environmental Information; Correction" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7655. A communication from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decision; Availability of Environmental Information" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7656. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 702, 741, and 747; Prompt Corrective Action", received February 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7657. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 701, 715, and 741; Supervisory Committee Audits and Verification", received February 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7658. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 701; Statutory Lien", received February 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7659. A communication from the Director, National Institute of Standards and Technology, Department of Commerce transmitting, pursuant to law, the report of donated educationally useful Federal Equipment; to the Committee on Commerce, Science, and Transportation.

EC-7660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Atmore, AL; Docket No. 99-ASO-29 (2-18-2-17)" (RIN2120-AA66) (2000-0042), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Lake Jackson, TX; Direct Final Rule; Confirmation of Effective Date; [2-17-2-17]" (RIN2120-AA66) (2000-0043), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Carrizo Springs, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-29 [2-17-2-17]" (RIN2120-AA66) (2000-0045), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7663. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Del Rio, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-31 [2-17-2-17]" (RIN2120-AA66) (2000-0046), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7664. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Uvalde, TX; Direct Final Rule; Request for Comments; Docket No. 2000-ASW-04" (RIN2120-AA66) (2000-0048), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7665. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Artesia, NM; Direct Final Rule; Confirmation of Effective date; Docket No. 99-ASW-30 [2-17-2-17]" (RIN2120-AA66) (2000-0047), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7666. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule