Franklin Fisher, who when asked whether consumers have been harmed by Microsoft, responded, ''On balance, I'd think the answer is no.''

Nevertheless, I was stunned when listening to Joel Klein proclaim that the Findings were great news for consumers. When is it good news for consumers to learn that the Federal Government is now running the high-tech industry? When Bill Gates, Scott McNealy (Sun CEO), or the head of a new high-tech start-up want to integrate new products or features into their software they will first have to get clearance from the de facto CEO of high tech, Joel Klein.

Speaking of the Associate Attorney General, if you were watching CNN last Friday evening without the volume on, you would have thought from the looks on their faces that Janet Reno and Joel Klein had just won the POWERBALL lottery or been given $10 million dollars by Ed McMahon. Mr. President, I repeat—this decision is not good news for consumers. The findings represent a terrible precedent, not only for Microsoft, but for high-tech companies in Silicon Valley, Austin, TX and the Dulles corridor in Virginia. The message is: if you get big, or too successful—you will be punished. The Department of Justice is keeping an eye on you—be careful or you may be next. The capital of the high-tech world isn't in Silicon Valley or Washington State, it's conveniently located within our Department of Justice on Pennsylvania Avenue.

But, Mr. President, I have been a frequent critic of the Department of Justice's attacks against Microsoft and the high tech industry for a long time now. I will continue to ask questions—I will continue to defend the ability of high-tech companies that wish to compete without the threat of government intervention. I will continue to be deeply concerned about how the Department of Justice's action on Friday will jeopardize America's standing as a global leader in the field of technology. The Department of Justice has now invited Microsoft's foreign competitors to use their governments to limit Microsoft's success. Joel Klein has just tilted the balance of power in favor of high tech companies abroad, in effect saying to Microsoft: Slow down and let the rest of the world catch up.

But I am sure many of these same questions and concerns will be raised by Microsoft's own employees next week when they host Vice President GORE on the Redmond campus.

To conclude, I repeat: This case should be dropped because antitrust laws exist to protect consumers—people who buy goods and services. Antitrust laws were not created to protect Microsoft's competitors, but that is what this Justice Department is doing. It is using the power of the Federal Government to punish Microsoft for being too successful in comparison to its competitors.

In the end, I believe, higher Federal courts will throw this case out. The truth and the correct legal analysis will prevail—Microsoft has not harmed consumers and, thus has not violated our antitrust laws.

EDUCATION

Mr. GORTON. Mr. President, two major debates are taking place in the Congress and in the White House at the present time, two major debates relating to education.

Tomorrow we are likely to take up an amendment to establish the Teacher Empowerment Act. And tomorrow we will almost certainly deal, finally, with the appropriations bill for Labor, Health and Human Services, an appropriations bill that includes billions of dollars for public education in the United States of America.

There is a profound difference between the President of the United States and what I believe is a majority of the Members of both Houses of Congress over how that money on education should be spent. This morning's Washington Post summarizes that argument in quotations from our majority leader, Senator LOTT, and the President of the United States.

Senator LOTT said:

> The big issue is, who controls it? Will Washington bureaucrats assert and control where this money is used, or will there be some discretion at the local level, based on what local needs are, whether it's books or computers or training for teachers, or for teachers themselves?

The President of the United States, according to the Washington Post:

> . . . told reporters that the federal money for new teachers does not belong to states and local school districts. ''It's not their money,'' he said.

What arrogance. The money does not belong to President Bill Clinton. This is money that comes out of the pockets of the American people across the United States, money they want to be used on the most effective possible education for their children.

The American people believe very firmly that decisions relating to the education of their children can be made more effectively and more sensitively at home by elected school board members, by superintendents, by principals, by teachers, and by parents than they can be by bureaucracies in the Department of Education in Washington, DC, or even by that national superintendent of public instruction, the President of the United States.

In fact, during the course of this debate over whether or not we should grant more authority to local school districts and to teachers and parents, a number of studies have come out on the question of whether the primary need in education in the United States is more teachers.

One of them comes from my own State from the Joint Legislative Audit and Review Committee, the ''K–12 Finance and Student Performance Study.'' That study, just a little bit earlier this year, stated:

> An analysis of 60 well-designed studies found that increased teacher education, teacher experience, and teacher salaries all had a greater impact on student test scores per dollar spent than did lowering the student-teacher ratio. According to one researcher, ''Teachers who know a lot about teaching and learning and who work in settings that allow them to know their students well are the critical elements of successful learning.'' Given limited funds to invest, this research suggests considering efforts to improve teacher access to high quality professional development. A recent national survey of teachers found that many do not feel well prepared to face future teaching challenges, including increasing technological changes and greater diversity in the classroom.
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> The legislature's approach to funding K–12 education is consistent with the JLARC [Joint Legislative Audit and Review Committee] and national research. The legislature has provided additional funding for teacher salaries, staff development, and smaller classes, with more funding going to support teachers and less for reducing the student-teacher ratio.

In fact, the chart accompanying this study shows that increasing teacher salaries is 4 times more cost efficient than reducing class size, increasing teacher experience is 4.5 times more cost efficient than reducing class size, and increasing teacher education is 5.5 times more cost efficient than reducing class size. Given this information, it is clear that the President of the United States is putting politics ahead of academic achievement for our children.

There is another interesting statement on this subject written in April of this year by Andy Rotherham at the Progressive Policy Institute, an arm of the Democratic Leadership Council. He now, incidentally, works for the President. But he wrote in April:

> . . . President Clinton's $1.2 billion class-size reduction initiative, passed in 1998, illustrates Washington's obsession with means at the expense of results and also the triumph of symbolism over sound policy. The goal of raising student achievement is reasonable and essential; however, mandating localities do it by reducing class sizes precludes local decision-making and unnecessarily involves Washington in local affairs.
>
> During the debate on the Clinton class-size proposal, it was correctly pointed out that research indicates that teacher quality is a more important variable in student achievement than class size. In fact, this crucial finding was even buried in the U.S. Department of Education's own literature on the issue.

Finally, another quite liberal organization, the Education Trust, agrees that we cannot afford to make schools hire unqualified teachers. Kati Haycock, executive director of the Education Trust, said yesterday:

> The last thing American children need—especially low-income children—is more underqualified teachers. If the White House hopes to ensure that the Class Size Reduction program will boost student achievement, it should accept the Congressional Republicans' proposal that would allow only fully qualified teachers to be hired with these funds.
>
> Teacher quality matters, and it matters a lot. Highly qualified teachers can help all students make significant achievement gains, while ineffective teachers can do great

and lasting damage to students. The difference between an effective teacher and an ineffective teacher can be as much as a full grade level's worth of academic achievement in a single year. That—for many students—can make the difference between an assignment to the ''honors/college prep track'' and an assignment to the remedial track. And that assignment can be the difference between entry into a selective college and a lifetime at McDonald's.

Yes, small classes matter, but good teaching matters more. Our kids can have it all—smaller classes and better teachers. But first, the adults in Washington need to put aside the partisan bickering and remember what really matters—the best interests of American students.

This is exactly what we are trying to do. It is what we are trying to do in this last great appropriations bill: Saying yes, more teachers is a very important priority, but school districts ought to be able to decide that perhaps teacher training is even more important than that, or perhaps there is another higher education priority in their schools, in their communities, in their States.

Tomorrow, when we debate whether or not to add to this bill the Teacher Empowerment Act, we will be doing exactly the same thing, saying we in this body in Washington, DC, do not know all the answers, that there is not one answer for 17,000 school districts across the country; and we ought to trust the people who are spending their lives educating our children.

This is a vitally important debate, and one that the children can only win if we grant flexibility to those who are providing them with that education.

SENATOR LUGAR'S 9,000TH VOTE

Mr. LOTT. Mr. President, I bring to the attention of the Senate that today the senior Senator from Indiana cast his 9,000th vote as a Member of this body.

Throughout his career, Senator LUGAR has compiled a 98 percent voting attendance record. He did not miss a single vote during the entire 105th Congress. Along with our colleagues from Maryland, Senator SARBANES, and Utah, Senator HATCH, Senator LUGAR stands next in line to join the Senate's 10,000 vote club. A mark reached by only 21 Senators in history.

Many of you know of Senator LUGAR's passion for long-distance running. On occasion, a vote has been called while he was on one of his late afternoon runs on the Mall. Senators are not surprised when they encounter their colleague from Indiana in running shoes after double-timing back to the Senate Chamber for the vote. Casting 9,000 Senate votes is a fitting accomplishment for a long-distance runner who already stands as the longest-serving U.S. Senator in Indiana's history.

I am honored to have the opportunity to work with Senator LUGAR and pleased to recognize him on this historic milestone.

THE SATELLITE HOME VIEWER ACT

Mr. GRAMM. Mr. President, I rise to speak for a moment about another subject. I do not want to interfere with this important debate, but I think the subject I want to speak about is important in its own right. I want to put my colleagues and the public on notice about what is happening.

Probably we have all received more telephone calls and more letters on the so-called Satellite Home Viewer Act than any issue we have dealt with in this Congress. This is an issue that flows from the fact that people who have satellite dishes, especially people who live in the country, want to have access to their nearest television station. It is something we all understand. For those of us who live in the country, it is something we want.

The House of Representatives adopted a very good bill that would allow negotiations between satellites and local television stations with a goal of bringing the local television station into every living room and den in America. This would be a great boon to people who have satellite dishes in rural areas.

That bill was adopted in the House 422 to 1 on April 27. On May 20, the Senate unanimously adopted a similar bill. These bills are very strongly supported. We are all getting hundreds of telephone calls in support of them. They do what each caller wants, and that is make it possible for people, especially in rural areas, who have satellite dishes to get the news and the weather from the local station, however far away that may be.

The problem is, for some unexplainable reason—at least unexplainable to logic—in the conference, rather than adopting the House bill or the Senate bill or something in between, the conferees apparently decided that not every problem in the world was solved, and therefore in an effort to try to solve problems which were not part of either bill, they decided to put the American taxpayer on the hook for a $1.25 billion loan guarantee.

I want to make it clear. This loan guarantee was not part of the Senate bill for which we voted unanimously. It was not part of the House bill that passed 422 to 1. It was produced out of whole cloth in conference when the basic idea was there are additional problems that might be dealt with, so as a result, we want to simply add $1.25 billion.

When you approach the people who added it, you get the idea this is somehow for small business. But when you read their bill, one of the loans can be as large as $625 million. The two obvious beneficiaries are two companies, one of which saw its equity value go up 4½ times the rate of the growth of the Dow Industrial Index over the last 12 months; the other one saw its equity value go up 49 times as fast as Dow did in the last 12 months.

You might wonder why these two extraordinarily successful businesses with an explosion in their equity value, as measured by the value of common stock, suddenly need the taxpayer to come forth and sign a loan guarantee of $1.25 billion to get to the bottom line. I am for the satellite bill. I voted for it in the Senate. I would like to see it passed. I think it is an important piece of legislation. But I am adamantly opposed to Members of the House and the Senate simply deciding to put the taxpayer on the hook for $1.25 billion, with a provision that was in neither the House bill or Senate bill, a provision that cannot be justified by any logic whatsoever.

I want to make it clear if that bill comes to the floor of the Senate and it has that loan guarantee in there obligating the American taxpayer for $1.25 billion, money that was not in the House bill, was not in the Senate bill, I intend to object to its consideration, and it will not become law in this millennium.

I cannot speak beyond this thousand years. But I can assure you that under the rules of the Senate, it will not become law before the turn of the new millennium, if then.

One of the authors of this provision, referring to me, said:

I don't think anybody would want to have the reputation of having cost millions of Americans the loss of their network signal, so I don't anticipate problems on either floor.

My response to our colleague in the House is: Anticipate problems on the floor of the Senate. And if anyone is endangering the ability of Americans to get the local television signal, it is not me; it is those who have added a $1.25 billion loan guarantee in this bill.

I know there are going to be a lot of people calling my office and others. Here is my message: If you are for the satellite bill, if you want to be able to get your local television station, don't bother calling me. Call the people who want to add to a conference report this $1.25 billion giveaway which was not voted on in either House of Congress, and say to them: Quit trying to give my money away and give me my local television signal.

I am not going to let this bill be adopted this year with that $1.25 billion giveaway in it. It is not too late. The conferees can come to their senses and take this provision out. It was not in either bill. It should not have been there to begin with. We can have the satellite bill passed by the end of tomorrow's business. But if it is not taken out, it is not going to be adopted. I wanted to come over and make that clear so everybody would know exactly where we are. If you want this bill, insist the $1.25 billion giveaway be taken out of it. We have the ability and we should make it possible for people in the country to get the adjacent cities' TV stations. I am for that. I am a direct beneficiary of it. Many of the people I care about are.