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For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224-6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, May 4, 2000, in executive session, to mark up the FY 2001 defense authorization bill.

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

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, May 4, 2000, in executive session, to mark up the FY 2001 defense authorization bill.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 4, 2000, at 9:30 a.m. on the nominations of members of the Federal Aviation Management Advisory Council (8 nominees).

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

JOINT COMMITTEE ON TAXATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Joint Committee on Taxation be authorized to meet during the session of the Senate on Thursday, May 4, 2000 to hear testimony on Medicare Governance: The Health Care Financing Administration's Role and Readiness in Reform.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 4, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's use of current and proposed stewardship contracting procedures, including authorities under section 347 of the 1999 omnibus appropriations act, and whether these procedures assist or could be improved to assist forest management activities to meet goals of ecosystem management, restoration,

and employment opportunities on public lands.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Immigration be authorized to meet to conduct a hearing on Thursday, May 4, 2000, at 2 p.m., in Dirksen 226.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 4, 2000, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Thursday, May 4, 2000, at 10 a.m. for a hearing entitled "Has Government Been 'Reinvented'?"

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

SUBCOMMITTEE ON PRODUCTION AND PRICE COMPETITIVENESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Production and Price Competitiveness of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, May 4, 2000, at 2 p.m., in SR-332, to conduct a subcommittee hearing on carbon cycle research and agriculture's role in reducing climate change.

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

PROPOSED "REMEDIES" IN THE MICROSOFT ANTITRUST CASE

Mr. GORTON. Mr. President, I would like to take a few minutes to talk about the proposed remedies submitted last Friday by the U.S. Department of Justice and 17 States in the antitrust suit against Microsoft. As my colleagues know, the Department of Justice and the States have asked the court to break Microsoft into two separate companies, and to require significant Government regulation of the two companies.

Let's begin by reviewing the charges in the case. First, the Government has alleged that Microsoft entered into a series of agreements with software developers, Internet Service Providers, Internet content providers, and online services like AOL, that foreclosed Netscape's ability to distribute its Web

browsing software. Despite claims by Government lawyers and outside commentators that this was the strongest part of the Government's case, the trial court—even Judge Jackson—disagreed. The court ruled that Microsoft's agreements did not deprive Netscape of the ability to reach PC users. Indeed, the trial court pointed out the many ways in which Netscape could, and did, distribute Navigator. Direct evidence of this broad distribution can be found in the fact that the installed base of Navigator users increased from 15 million in 1996 to 33 million in late 1998—the very period in which the Government contends that Microsoft foreclosed Netscape's distribution.

The second charge involves what the Government alleged was the unlawful "tying" of Internet Explorer to Windows. The Government argued that this "tying" was one of the primary means by which Microsoft foreclosed Netscape's ability to distribute Navigator. The trial court agreed with the Government, finding that Microsoft violated Section 1 of the Sherman Act in its design of Windows 95 and 98. The court's conclusion is astounding in two respects. First, as I mentioned, the trial court determined that Microsoft had not deprived Netscape of distribution opportunities. Second, and even more important, the trial court's conclusion is in direct contradiction to that of the District of Columbia Circuit Court of Appeals. In June, 1998—before the antitrust trial even began—that court of appeals rejected the charge that the inclusion of Internet Explorer in Windows 95 was wrongful. In its June, 1998 decision, the appeals court stated that "new products integrating functionalities in a useful way should be considered single products regardless of market structure." Despite the fact that trial courts are obliged to follow the rulings of appellate courts, the trial court in the Microsoft case has singularly failed to do so.

In its third charge, the Government alleged that Microsoft held a monopoly in Intel-compatible PC operating systems, and maintained that monopoly through anticompetitive tactics. The trial court agreed, and determined that there were three anticompetitive tools employed by Microsoft: (1) the series of agreements that the trial court itself held did not violate antitrust law; (2) the inclusion of Internet Explorer in Windows, which the Appellate Court already determined was not illegal; and (3) a random assortment of acts involving Microsoft's discussions with other firms, such as Apple and Intel—none of which led to agreements. In relying on these three factors, the trial court seems to have concluded that, while Microsoft's actions, taken individually, might not constitute violations of antitrust law, the combination of these lawful acts constitutes a violation of law. This approach to antitrust liability has generally been rejected by courts, in part because it fails to provide guidance allowing businesses to