

the world's most popular personal computer operating system, the government didn't even know what an operating system was. When Jim Barksdale invented software enabling the average person to surf the web, the government was nowhere to be found. When Scott McNealy began marketing his Java system products government regulators did not place limits on his business opportunities.

In fact, I would venture to say that the very corporations attacking Microsoft's successes are those that have gained the most from the absence of government interference in their businesses. But these companies, in their lust to gain a competitive advantage over Microsoft, are now advocating the unthinkable—big government intervention in the industry.

According to an article in the Financial Times last week, Scott McNealy wants the big hand of government to step in and help his company compete with Microsoft. Mr. McNealy is quoted as announcing to a group of software industry executives in Silicon Valley that, "only with government intervention will we be able to deal with this," this meaning competition from Microsoft.

Many other unsuccessful corporate executives, Mr. President, have to come to Congress to petition for government interventions to save them from successful competitors. Only rarely, however, do members of my political party entertain those suggestions. But unfortunately, a member of this body from this side of the aisle, the party known for its embrace of free market principles and rejection of big-government solutions, has joined Mr. McNealy in his efforts not only in calling for a hearing on the matter, but in proposing an entirely new Federal regulatory agency, a "network commerce commission" to regulate online commerce.

I am flabbergasted. It is truly a strange day when business speaks out against free enterprise and promotes big government. It goes against the grain.

Sun Microsystems, Netscape and Novell, Microsoft's biggest detractors, are envious of Microsoft's success. Instead of doing business the old fashioned way and marshaling their forces for competition, they are going in a different, more dangerous direction. They are crying for help from big government in order to protect them from their more successful competitor.

The anti-market forces led by Netscape, Sun Microsystems, and Novell are amassing in a dangerous attempt to pilfer the market share Microsoft has earned by being a leader in the industry, always out in front of the pack with new ideas and solutions. Adam Smith must be turning over in his grave, Mr. President.

For it is precisely the absence of government intervention that has allowed all of these corporations to succeed. Competition has made this country

great. America did not become the biggest economic power in the world through government regulation. And those nations that chose the path of government control of the economy are in a shambles today in almost direct proportion to the breadth of those controls.

When you consider the impact that centralized control in Washington, D.C. has had on our nation's schools and the federal income tax code, I must admit that I'm amazed that anyone in the computer software industry would be calling out for more regulation, influence and decision-making from Washington, D.C.

Let's consider how the Federal Government's gradual taking of authority from parents, teachers and school boards for education decisions has impacted children in our local schools. Test scores are falling, embittered educators are spending more time filling out forms than teaching our children, and schools are more dangerous than ever in the past.

Instead of new ideas and new solutions to these problems, Washington, D.C. bureaucrats are capable of only one answer to these challenges—more power for Washington, D.C. to decide how our local schools should be run. I ask my colleagues—based on the current state of public education in America, do you really think that Washington, D.C. bureaucrats know better than parents, teachers and locally-elected school boards what's best for the schools in your state?

I believe that people in local communities know what's best for their children and their schools, not Washington, D.C. bureaucrats.

I believe the same for the computer software industry. Knowing how the burdensome hand of the federal government has impacted our local schools, why would anyone in the software industry ask to have Washington, D.C. play a more burdensome role in the future of their industry?

Another example of how centralized decision-making has hurt American life is the Federal income tax code.

Instead of a simple, fair tax code in place to fund necessary Government programs, the tax code has become a social-engineering mechanism empowering Washington, D.C. to decide which activities in society should be rewarded, and which activities should be punished. More importantly, our complicated, messy tax code simply gives more control over our daily lives to Washington, D.C. bureaucrats in virtually every Federal Government agency. I ask my friends in the computer software industry—based on how warmly the American people have embraced the current tax code and the Internal Revenue Service, how could you possibly want the same federal government that created the tax monster to take a more powerful role in your business?

Further, I find it troubling that the request for government intervention

has come not from the American consumer, whom our antitrust laws were designed to protect, but from Microsoft's competitors. The consumer has benefited greatly from Microsoft's innovations and the innovations of its competitors.

Bill Gates, summed it up best in a recent editorial in the Wall Street Journal:

If you asked customers whom they would rather have deciding what innovations go into their computer—the government or software companies—the answer would be clear. They'd want the decision left to the marketplace, with competition driving improvements.

I vow today to do my best to ensure that consumers get exactly that.

Microsoft is the American dream, arrived at through hard work and innovation. I want to assure my colleagues that I will not stand by and allow Bill Gates' adversaries to destroy the principles upon which this nation's success is based. I urge those of you who value the free market to join me in my fight against those who want the Federal Government to gain further control over the computer software industry.

Big government is not now, has never been, and will never be the answer.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Presiding Officer advises the Senator that the pending business is S. 1173, the highway authorization bill.

Mr. ALLARD. Since we have a break in the pending business, I would like to ask unanimous consent that we go into morning business for 10 minutes.

The PRESIDING OFFICER. The Senator may ask unanimous consent to proceed as in morning business.

Mr. ALLARD. I ask unanimous consent we proceed as in morning business.

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

CSU-WYOMING GAME

Mr. ALLARD. Mr. President, I would like to take a few minutes to congratulate my good friend, Senator ENZI, and the University of Wyoming's basketball team on their hard-fought overtime victory over my alma mater, Colorado State University. Senator ENZI and I have engaged in a friendly competition whenever our schools play each other. These two universities are located just an hour apart on the border of Colorado and Wyoming and have always had quite a rivalry between them. Earlier this year, Senator ENZI had the opportunity to praise the Rams as CSU defeated Wyoming on January 24, with the score of 53 to 46. But like most border wars, the tables have turned and now the pleasure is mine. Not only do I have the tremendous opportunity to talk about the Wyoming basketball team on the Senate floor, but I have a tremendous opportunity to

wear the Wyoming tie here for a day while I talk about that great basketball team from the University of Wyoming.

Last Saturday's game marked the 184th time over 88 years that these two teams have met when CSU went head to head with the University of Wyoming in yet another border war. To my dismay, the Rams were defeated in overtime, 69 to 64. It was a hard-fought victory where both teams played outstanding games. Although CSU outrebounded Wyoming and played a tough defensive game, the Cowboys' offense was the deciding factor.

Wyoming should be commended for having a great season this year, with a record of 18 and 6. Coach Larry Shyatt should also be recognized for bringing this team to the best season they have had in 11 years. The Cowboys certainly cannot be labeled "slowpokes," considering they have defeated top-ranking teams such as New Mexico and Utah. In fact, the Cowboys are now in third place in the Western Athletic Conference Mountain Division and will be competing for postseason tournament consideration in March. Wyoming will be given serious consideration as a WAC entry for the NCAA Tournament. I commend Wyoming's basketball team, their athletic department, and the University of Wyoming for a job well done.

Although Wyoming won the most recent border war, I would be remiss if I did not congratulate at least the Rams' seniors and wish CSU the best of luck in their remaining games. I look forward to a strong WAC contingent in the NCAA tournament and hope that CSU will be there to represent the Western Athletic Conference as well.

The University of Wyoming basketball team is to be commended for a great win against Colorado State University. I am excited about the competition in the WAC, typified by the longstanding rivalry between the border universities.

Great job, to the University of Wyoming.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I also ask for just a couple of minutes as in morning business.

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

CSU-WYOMING GAME

Mr. ENZI. Mr. President, I would like to take this opportunity to thank my colleague from Colorado for his outstanding sportsmanship and for recognition of this great rivalry between two universities that are part of the Western Athletic Conference, a conference that is coming into its own and being recognized nationally. We are certain that because of rankings of two of the teams, and probably three of the teams, they will be in the NCAA National Tournament. There are a lot of

kids out there who are well deserving of being in that. They are fierce competitors. Of course, this is one of the old rivalries of basketball. They have been isolated by being in the far West for a long time, and, as a result, have enjoyed playing each other because of what is a close proximity out there. Just being an hour's transportation away is quite a feat in the far West.

Both schools have outstanding basketball teams. But I would be remiss if I didn't mention the outstanding schools that these basketball teams represent, particularly a portion of the school at Fort Collins that Senator ALLARD is a graduate of, the veterinarian school, which is world renowned. But both schools have a number of schools that are well recognized throughout the United States and around the world. We hope that kids take a look at both universities when they are interested attending in school.

Again, I thank my colleague for his gracious comments about the University of Wyoming. The kids there appreciate it.

I yield my time.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CHANGE OF VOTE

Mr. JEFFORDS. Mr. President, on rollcall vote No. 17, I am recorded as voting "yes" when I actually voted "no." I ask unanimous consent that the record of my vote be changed to "no." This will in no way change the final outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. JEFFORDS. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

THE OCEAN SHIPPING REFORM ACT

Mr. LOTT. Mr. President, I rise today to report on the status of the Ocean Shipping Reform bill, S. 414. This bill is one of two very important bills in the Senate which are badly needed to reform America's maritime industry. The other such bill would implement the OECD Shipbuilding Agreement.

A few months ago, I reported that the Ocean Shipping Act was D.I.W.—"dead in the water". Down on my native Gulf Coast, that usually means the engines are broken. "D.I.W." doesn't mean you're sinking—it just means you've got some work to do. It means that everyone's got to roll up their sleeves, get down in the engine space, pitch in and get the problem fixed.

And, I'm glad to say, that's just what the maritime industry has done. Rolled up their sleeves and fixed the engine of the Ocean Shipping Reform bill.

I am pleased to report that staff members of the shippers, port authorities, ocean carriers, and labor unions—all rolled up their sleeves and have fixed this legislation.

It was very important to get everyone working together on this bill. The maritime industry is very large and very complex. Given the many interests involved, it is not surprising it has required slow, steady, and difficult work to get this bill ship-shape and steaming along.

But that work has been done—and I want to congratulate those who have done the heavy repair work. We are now prepared to move quickly to pass this legislation.

Mr. BREAUX. Mr. President, I too am pleased to report on the successful efforts to prepare S. 414 for Senate passage. I would concur with the Majority Leader that the OECD Shipbuilding Agreement bill is badly needed and I believe it is long overdue. I am hopeful that the progress made on S. 414 would provide momentum to pass the OECD Shipbuilding Trade Agreement implementing legislation.

At the end of the last session, we prepared a draft Senate floor manager's amendment to this bill and circulated it within the industry and to members of the Senate. That draft manager's amendment was helpful in moving S. 414 along, but it also continued to present some serious problems to various sectors of the maritime community.

Accordingly, over the past several months, representatives of those affected maritime sectors have worked to find an acceptable solution and to resolve their differences. With the Commerce Committee staff's help and guidance, a package of modifications to that original manager's amendment have been agreed upon.

The diverse segments of the industry—U.S. ocean carriers, foreign ocean carriers, shippers, labor, and the ports—are now in agreement on how to reform and reduce government's role in international ocean transportation. More importantly, all these industry sectors have agreed on meaningful deregulation of the ocean shipping industry to allow greater choice, flexibility, and competition in this transportation mode.

Let me say that again. Mr. President, all these industry sectors are now in agreement. Although it is a delicate balance, it is still an agreement.