PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, You have shown us that any week without Your grace and guidance makes us weak. So as we begin this new workweek, we dedicate ourselves to trust in Your goodness, to walk with You humbly, to listen to You attentively, and to serve You obediently. We ask for quiet and peaceful hearts, alert and agile minds, and ready, responsive wills.

Remind the Senators that there is enough time in any one day to do what You require and artesian strength to accomplish what You desire. Free them from tension and tiredness, worry and anxiety. Give spinning wheels good tread. Help them to trust as if everything depended on You and work knowing that You depend on them to accomplish Your best for the Nation.

We love You, Father, and we commit this week to be an expression of that love. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. THOMAS. I thank the Chair.

SCHEDULE

Mr. THOMAS. Today, the Senate will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume debate on the bankruptcy reform legislation. By a previous consent agreement, the minority leader, or his designee, will be recognized at 3 p.m. to offer an amendment relative to minimum wage, which will then be set aside so that the majority leader, or his designee, can be recognized to offer an amendment relative to business costs. Votes on these amendments have been set to occur at 10:30 on Tuesday. The leader has announced there will be at least one vote at 5:30 p.m. today in relation to the bankruptcy bill.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators allowed to speak for 5 minutes therein.

Under the previous order, the time until 1 p.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Wyoming.

ACCOMPLISHMENTS OF THE SENATE

Mr. THOMAS. Mr. President, let me first thank my friend from New Hampshire for coming down. We have morning business now for 2 hours, and we intend to talk about some of the issues before us during this first hour. I am going to at some point—and I hope the Senator will also—talk a little bit about some of the things we have accomplished this year. I understand the media is always interested in the conflicts and where we have controversy. And that is fine. But they do not always talk about the things we have accomplished, the things we have done with the budget, the fact we have spent less in growth this year than we have for a number of years, the fact that we are setting aside Social Security and have proposals out there to strengthen Social Security. We have done a lot for education; indeed, authorized more money to be spent than the administration asked for and allowed for it to be spent on the local level. These are things that are terribly important.

Defense is probably the singular most important thing the Federal Government has to assume. The expenditures of defense have gone down ever since the gulf war. This year we have raised them because in order to fill out the mission the military has, there must be more resources to be able to encourage people to come into the military and to stay there.

We have talked about tax relief, and, indeed, sent to the President a bill which would have given tax relief to all citizens of this country in various ways rather than spending it. Unfortunately, it was vetoed. We will be back with tax relief. When we have an excess amount of money, that is where it ought to go, back to the people who have paid it.

In health care, we have done some things and intend to do more before the week is over; and bankruptcy.

I wish to say I hope before we finish we can put some emphasis on the positive things that we have done for the good of this country.

I yield to my good friend from New Hampshire, who has done a superb job on the appropriations bills, and continues to do so, whatever time he may consume.

Mr. GREGG. I thank the Senator from Wyoming for his courtesy in yielding me some time. I especially thank him for his commitment to making the American people aware through floor statements of how much we have accomplished and how many positive things have occurred in this Congress.

As he mentioned, the most positive is that we have a balanced budget for the first time in generations; that for the first time in years, 20 years or so, the Social Security trust fund money is going to be used for Social Security, which is one of the most important things we could do and thus preserve it for the benefit of senior citizens and the next generation of senior citizens. Something that is really an incredibly positive stride in the way we have dealt with ourselves in this Nation and has led in large part to the economic prosperity that we now experience is the fact that the Government has finally decided to live within its means. That is a result, in my opinion, of a Congress which has aggressively disciplined spending of the Federal Government.

In fact, I recall when this Congress was first elected, a Republican Congress, the President had sent up his budget for the year, and it projected $200 billion deficits for as far as the eye could see. I think the year was 1996, and for the next 10 years it was $200 billion of deficits every year for as far as we could see.

Well, we in the Republican Congress, the first Republican Congress in 40 years, said that was not acceptable; we were going to have to live within our means. Others said it was not doable. We proved it was doable.

That is a positive event. We now have multiple billions of dollars of surplus, a big enough surplus so we will have no impact on Social Security in this budgeting cycle.

What I wanted to speak about, however, beyond the good news, is the issue that has caused us to sort of grind through the process of wrapping up the appropriations bills, specifically the demand by the President in a number of areas of appropriations accounts. The first one I wish to talk about is the demand by the President that we expand his classroom teacher proposal.

Now, the Congress has fully funded to the tune of $1.2 billion. The amount of money that the President initially requested for class size in his original request was for $1.2 billion, the purpose of which was to add teachers to the classroom. Teachers to the classroom may be a good idea in the $1.2 billion that has been put on the table to accomplish that, but the difference between the two sides is not in the dollars; it is in the way those dollars should be spent.

The President's proposal and the proposal coming from the other side of the aisle is that $1.2 billion shall be spent as the people in Washington tell the local people to spend it; it will be spent under a command-and-control process where the administration, the people of the Department of Education, the people of the national labor unions, and the legislators on the other side of the aisle tell the local school districts, tell the States, tell the local principals, tell the local school boards: You must use this money for the purposes of hiring teachers. You must use it for the purposes of hiring teachers. It is a command-and-control, top-down directive

from Washington telling local school districts how to operate their schools. We, on the other hand, on our side of the aisle, have proposed this $1.2 billion be used for schoolteachers, if that is what the local school district wants. But we have also said—and I will read the language to you—''If the local educational agency determines that it wishes to use the funds for purposes other than class size reduction as part of a local strategy for improving academic achievement, funds may be used for promotional development activities, teacher training, and any other local need that is designated to improve student performance.''

What we are saying on our side of the aisle is that we do not think that a one-shoe-fits-all approach; we don't think that a command-and-control, top-down approach is the right way to manage local education or to manage any education for that matter.

What we believe very strongly is that we should put the dollars on the table. We should make those dollars available to the local schools. And we should say to the local schools: If you need more teachers, here are the dollars to hire those teachers. But if you have determined, under a procedure for obtaining higher academic achievement, you don't need more teachers but what you need are better teachers, and therefore you want to train your teachers, or what you need is to keep a teacher who is about to leave, and therefore you need to pay that teacher a little bit more money, or what you need is a class that has some sort of teacher's aide capability in it, such an individual, but also computer technologies, you should be able to do that.

So we are saying in the context of improving the education, most importantly ''improving the students' performance,'' which is the exact words we use, you can use this money for other areas of teacher enhancement and of assisting teachers to be better teachers.

Why are we saying that? Why aren't we saying what the White House and President Clinton say and what the Senators on the other side of the aisle say, which is you must do it our way; you must hire teachers, and that is what will make for better education? Why aren't we doing that? Because that doesn't work. That doesn't work.

Study after study has concluded that it is not necessarily the class size ratio that is critical to education. It happens to be more than that. I think anybody who has ever been involved in any level of education knows this. It is intuitively obvious through inspection—which was what one of my professors used to say in college, and we used to make fun of him for saying that—that there is a lot more to a classroom than the ratio of teacher to students.

If you have a terrible teacher—I have said this on the floor before—who can't teach you a subject matter, if you put 10 kids with that teacher, or 20 kids with that teacher, they are still not going to learn. If you have an excellent teacher who knows how to handle the subject matter, the odds are that the size of the class, if it varies within five or so children, is not going to affect the quality of that education a whole lot. In fact, this is what studies have shown.

In fact, Eric Hanushek at the University of Rochester, an economist, studied 300 other studies that have been done on this issue and concluded as follows: Looking at 300 different studies, class size reduction has not worked. Furthermore, the quality of the teacher is the most important factor in education, and it is much more important to the class than class size.

A National Commission on Teaching and America's Future found the following: The thing that has the least impact on increasing student achievement, the least impact, is class size. The thing that has the greatest impact is teacher education and the capability of the teacher.

In the State of Washington, which happens to be the home of the sponsor of this original proposal of the top-down control approach, Senator MURRAY's State, a Joint Legislative Audit and Review Committee found: ''High quality teachers and family environment have a far greater effect on student performance than marginally reducing the class size.''

It is not our job in Washington to tell the local school districts that they must hire a teacher so that they can get their class size to some arbitrary number. The President has picked 18 to 1. I note that by picking that number he has managed to qualify 42 of the States already because 42 States already have a class size ratio that is 18 to 1 or better.

There are only nine States and the District of Columbia that do not have the ratio higher than 18 to 1. Arbitrarily, people on that side of the aisle are all knowledgeable and are saying to every school board in America, 18 to 1, and that is it. If you don't have 18 to 1, we are not going to give you the money. You have to hire new teachers, and that is it. That is what it is going to be.

We are saying: Here is the money, American school system. You take that money and you choose whether you need it for a new teacher or whether you need it to make that teacher you already have a better teacher, and you tie it to standards. You tie it to professional development standards and you tie it to student performance standards.

That is a much better way to do it than to try to manage every classroom in America from right here in Washington.

As I said earlier, it is as if those on the other side of the aisle want to take the leader's desk and run a string out to every classroom in America, and that string tells that school what they are going to have to do. If they don't like what it is going to do, they are going to pull that string in running from that desk on the Democratic side of the aisle.

I do not know how many classrooms there are in America. It would probably have to be what? I will take a guess. A million—a million strings running off that desk all over America, intertwined. It is going to get awfully messy and confusing—a big jumbled mess—and nothing is going to happen. We are not going to improve education at all.

I think it is a much brighter idea, it is a much more appropriate idea, and it is a much fairer idea to say to the school systems that happen to know what they are doing because they are involved in it—at least every school district in America that I have ever dealt with is very concerned, first, about education: Here are the dollars. You use it to improve your teachers. You use it to improve your classrooms. You use it, most importantly, to improve student performance.

This is what this debate on the budget has come down to. There really aren't too many other big issues out there today. This is what the whole budget debate has come down to—whether or not we are going to run the classrooms from Washington, whether or not we are going to demand that classrooms across America do exactly what we tell them to do by hiring a new teacher in order to get these funds, or whether we are going to allow the schools across America—the teachers, the principals, the parents, and the school boards—to decide how best to use that money in order to improve teaching in the classroom.

The President has made his stand on this ground. To say the least, I think it is bad ground, a bad idea, and a bad stance.

Ironically, at the same time the teacher and class size issue became a cause celebre for holding up the budget process, the other item holding up the budget process involves the President's demand for 30,000 to 50,000 additional police officers. This is a little bit different. This was before the committee that I chair, the Commerce, State, Justice Committee.

The President put forward a program about 3 years ago. He said we want 100,000 new officers. The Congress agreed with him: Let's try to put 100,000 new officers on the street in America. The Congress funded 100,000 new officers. We put on the table and in the budget the money necessary to pay for 100,000 new officers. The program has run out. The authorization has ended.

The President came forward and said, I want another 30,000 to 50,000 officers on top of the initial 100,000 officers.

First off, there was no program. The Congress didn't agree to that. We agreed to 100,000. We didn't agree to another 30,000 to 50,000. It was a political statement. He held a poll and had some focus group rushing into his office in the morning saying, ''Mr. President,

Mr. President, putting police officers on the street really pumps well. Let's do another 30,000 to 50,000.'' That is how they came to the conclusion. They did not have any hearings or even look at the program they have in place because if they had looked at the program they had in place, they would have realized that of the 100,000 officers we put the money on the table for—the Congress did our work to pay for them—the administration has only been able to hire 60,000. They are still 40,000 short of the initial 100,000. But they want to go out and hire another 30,000. They can't do it physically because they haven't been able to hire these offerers. It takes 12 months to do the program. They are not going to get the 100,000 in next year. So they can't possibly do another 30,000 to 50,000.

Equally ironic, where did they find the money in their budget to fund the additional 30,000 to 50,000 officers? Remember, these are local police officers in towns that you and I live in across America. These aren't Federal police officers; these aren't FBI agents or even police officers in this Capitol. These are local police officers. Where did they find the money? They took the money out of the funds we were going to use to fund 1,000 extra Border Patrol agents.

What is the responsibility of the Federal Government? What is our responsibility? It is to protect our borders. Those are Federal agents. Those aren't local agents. Instead of funding the 3,000 new agents who were supposed to be funded and on whom we agreed, for whom we had authorized and appropriated, we were going to appropriate the last 1,000 this year. The administration said: No, we are not going to hire the extra 1,000 Border Patrol agents; we will take the money from that program and put it into hiring an additional 30,000 to 50,000 local police officers for a program that cannot even fulfill its first tranche of police officers, which was supposed to be 100,000.

That is an interesting priority. Think about it. What this administration is saying is, we don't care about the borders as much as we care about putting out a political statement which happens to poll well, which we know has no substantive effect because we know we can't hire the officers. Maybe they didn't know it; they should have. All they had to do was ask the people at the Justice Department. Assume they knew it—putting out a political statement on which we know they cannot fulfill the specifics. They knew, going into this proposal, they could not hire an additional 30,000 to 50,000 officers because they had not even hired the first 100,000 officers. They were 40,000 short, and it takes 12 months to put the officers on the books and bring them on board.

This instead of hiring the Border Patrol personnel to improve our southern borders from being the sieve they are where tens of thousands of illegal aliens come across on a weekly basis. I think it was in the Douglas area of Arizona they arrested nearly 40,000 people in a week. Unbelievable numbers of illegal aliens are coming across the border, placing huge demands on our society in the area of health care, in the area of law enforcement, in the area of schooling. These are huge cost demands on our society, policing those borders so legal immigrants can come across, legal workers can come across. Instead, illegal people are breaking the law to get into this country.

Instead of doing that which happens to be a primary function of the Federal Government, they took the money and used it to set up this specious statement that they were going to add another 30,000 to 50,000 police officers. Now they insist on it. The irony is, they insist on it as part of the budget process wrap-up. They are insisting on adding the extra police officers when they cannot even hire them. Why? PR. It is that simple. It polls well.

The class size statement polls well. On the polling statement, the substance is so fundamentally flawed. They are taking control of local school districts and saying local school districts don't know whether they need a new teacher; we will tell them they need a new schoolteacher. Although they may know they don't need a new teacher, they need to train the teachers better. That philosophy is fundamentally flawed.

The statement to reduce class size is great polling. We will administer cops on the street. Great polling. They are holding up the entire budget of the Government of the United States, which happens to include a lot of other important things.

For example, in my bill, which involves the police officers, we have the funding for the FBI, the funding for the DEA, funding for the INS, funding for the FTC, which is very involved in trying to keep seniors from being fraudulently attacked on the Internet with scams. We have the funding for the FEC, obviously very involved in the different issues of how we manage this e-commerce marketplace in which we are functioning today. We have the funding for the State Department; We have funding for the whole Justice Department, funding for the whole judicial system. All of that is being held up because this administration wants to put out a political statement—not a substantive statement, because they can't do it, as I just pointed out. They cannot accomplish what they claim they will do. They know it. They want a political statement. Then they want to put forward a horrendous policy on class size because it polls well. They are holding up the budget to do that. It is another example of the superficiality of the way this administration approaches issues.

Time and time again for 7 years, we have seen issues put forward not for the purposes of resolving a plan but for the purposes of scoring a political point by this White House. Now they are willing to put at risk the functioning of the entire law enforcement structure of the Federal Government for all intents and purposes over what is basically a political issue, a political statement. It has no substance at all. It has no purpose and can accomplish nothing because it can't be accomplished in this next year. Maybe 2 years from now, when they catch up to doing the full 40,000 officers they still have to do, they can come forward and reasonably say we need another 30,000 officers. That may be true.

Once again, we see the shallowness of this administration is only exceeded by their brazenness. Unfortunately, a number of Federal agencies and the American people will suffer as a result of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from New Hampshire.

I have to imagine how different the needs of the school district in Wyoming are compared to Philadelphia. I certainly subscribe to the idea we ought to help with the resources, but let the local school districts decide for themselves what it is they need. The basic class size in Wyoming happens to be less than 18.

I am very pleased to have on the floor of the Senate the Senator from Idaho, another western Senator, who is also chairman of our policy committee.

I yield as much time as he desires.

Mr. CRAIG. Mr. President, I thank my colleague from Wyoming for allowing me time this morning.

MICROSOFT

Mr. CRAIG. Mr. President, I have listened to the Senator from New Hampshire speak in what I call the common sense of New Hampshire. I think all Members have been frustrated by this administration running a flag up the pole every morning at the White House to see which way the wind is blowing and then not only attempting to shift Government policy but oftentimes bringing Government to an entire halt until they can determine if the direction in which they are heading is the right direction.

Another example of a misdirected effort by this administration was announced on Friday. I think all Members were paying attention to some degree and were anxious to hear how a Federal judge could decide to run the technological world in which we are living better than the marketplace itself. Sure enough, on Friday, Thomas Penfield Jackson, the judge down at the Justice Department who examined the ins and outs of Microsoft and the marketplace, has determined that Microsoft is a predatory monopoly.

I am no expert in this field, and I am not going to hold myself out on the floor this morning to be so. I ask unanimous consent to have printed in the RECORD two editorials.