

would impose extraordinarily strict government regulations on what the world's largest software company may and may not do.

For instance: Microsoft wouldn't be able to sell computer makers discounted copies of Windows, except for foreign language translations, but would be ordered to open a "secure" lab where other firms may examine the previously internal Windows specifications. Microsoft wouldn't be able to give discounts to hardware or software developers in exchange for promoting or distributing other company products. For instance, Microsoft would be banned from inking a discount deal with CompUSA to bundle a copy of Microsoft Flight Simulator with a Microsoft joystick.

Microsoft would have to create a new executive position and a new committee on its board of directors. The "chief compliance officer" would report to the chief executive officer and oversee a staff devoted to ensuring compliance with the new government rules. If Microsoft hoped to start discarding old emails after its bad experiences during the trial, it wouldn't be able to do so. "Microsoft shall, with the supervision of the chief compliance officer, maintain for a period of at least four years the email of all Microsoft officers, directors and managers engaged in software development, marketing, sales, and developer relations related to platform software," the government's proposed regulations say.

Microsoft would have to monitor all changes it makes to all versions of Windows and track any alternations that would slow down or "degrade the performance of" any third-party application such as Internet browsers, email client software, multimedia viewing software, instant messaging software, and voice recognition software. If it does not notify the third-party developer, criminal sanctions would apply.

State and federal government lawyers could come onto Microsoft's campus here "during office hours" to "inspect and copy" any relevant document, email message, collection of source code or other related information.

The same state and federal government lawyers would be allowed to question any Microsoft employee "without restraint or interference."

Mr. GORTON. Mr. President, Mr. McCullagh did an excellent job of outlining these extraordinary regulations. I will highlight a few.

Under the Department of Justice proposal, the Government would require Microsoft to create an entirely new executive position, as well as a new committee on its corporate board of directors, the function of which would be to ensure the company's compliance with the Government's new regulations.

The Department of Justice would require Microsoft to "maintain for a period of at least 4 years the e-mail of all Microsoft officers, directors, and managers engaged in software development, marketing, sales, and developer relations related to Platform Software."

Under the proposed remedy, Microsoft would also be required to give the Government "access during office hours" to inspect and demand copies of all "books, ledgers, accounts, correspondence, memoranda, source code, and other records and documents in the possession or under the control of

Microsoft" relating to the matters contained in the final judgment. Not only that, the Government, "without restraint or interference" from Microsoft, could demand to question any officers, employees, or agents of the company.

Together with the other sanctions, these proposals would guarantee that every Microsoft competitor would know everything the two Microsofts plan long before the plans became reality. Mr. President, that is a death sentence.

The function of relief in an antitrust case is to enjoin the conduct found to be anticompetitive and to enhance competition. Any objective review of the "remedies" proposed by the Department of Justice and States, however, can only lead to the conclusion that the Government is not seeking relief from anticompetitive behavior but to punish Microsoft with unwarranted sanctions for allegations by threatening its very existence.

There is no question that the Department of Justice initiated this antitrust action at the behest of Microsoft's competitors. Those competitors have said they sought Government intervention because it would be "too expensive" to pursue private litigation. This unjustified case has been too expensive—way too expensive—but not in the way the competitors envisioned. In the 10 days following the breakdown of settlement talks, there was a \$1.7 trillion loss in market capitalization. The damages from that huge loss were not limited to Microsoft—a broad range of companies, including many of Microsoft's competitors, were affected. More importantly, so, too, were millions of American investors.

As one would expect, the millions of Americans who hold Microsoft shares have taken a bath in recent weeks. The day after the trial court issued its "Findings of Law" on April 3, Microsoft stockholders lost \$80 billion in assets. The decline in Microsoft stock helped fuel a 349-point slide in the NASDAQ, the biggest 1-day drop in the history of the exchange. The pain wasn't limited to individual Microsoft shareholders, however. At least 2,000 mutual funds and countless pension funds include Microsoft shares.

I find it curious that the Vice President of the United States criticizes as the "risky scheme" tax proposals in this body that would reduce taxes by \$12 billion in 1 year and \$150 billion in 5 years. Yet the very administration that he supports has caused a loss in the pockets of very real American citizens of far in excess of that amount.

The "risky scheme" is the Microsoft lawsuit and we have now suffered damages from that risk. It is unfortunate that those who were so anxious to bring the heavy hand of Government into this incredibly innovative and successful industry didn't listen to some

of the more cautious voices, such as that of Dr. Milton Friedman, who warned early on to be careful what you wish. Dr. Friedman recently reinforced that sentiment in a statement to the National Taxpayers Union:

Recent events dealing with the Microsoft suit certainly support the view I expressed a year ago—that Silicon Valley is suicidal in calling Government in to mediate in the disputes among some of the big companies in the area of Microsoft. The money that has been spent on legal maneuvers would have been much more usefully spent on research in technology. The loss of the time spent in the courts by highly trained and skilled lawyers could certainly have been spent more fruitfully. Overall, the major effect has been a decline in the capital value of the computer industry. Microsoft in particular, but its competitors as well. They must rue the day they set this incredible episode in operation.

One of the biggest tragedies of this case is that it has all been done in the name of consumer benefit. So far, the only real harm to consumers I have seen has come from the resources wasted on the case itself and from the market convulsions that resulted from the mere specter of the Government's punitive relief proposal.

DANIEL PATRICK MOYNIHAN
UNITED STATES COURTHOUSE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 504, S. 2370.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2370) to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, as chairman of the Environment and Public Works Committee, I was very proud to report out just a couple weeks ago a bill to designate the federal building at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse." When I first joined this committee, the chairman's seat was occupied by the Senator from New York. His generosity and kindness in helping me, a freshman Senator from the other side of the aisle, is something I will always remember and for which I will be forever grateful. I have since come to rely on his advice, counsel and wisdom on issues ranging from transportation to Superfund, as have so many of my colleagues.

Our friend, Senator DANIEL PATRICK MOYNIHAN, is someone who has served this nation with great integrity and true patriotism. He is the only person in our nation's history to serve in four successive administrations as a member of the Cabinet or sub-Cabinet. He

served two Republicans and two Democrats—but he would rather tell you that he simply served four Presidents of the United States. He was Ambassador to India, as well as the President of the United Nations Security Council. And since 1977, he has been the cerebral center of the United States Senate.

He is among the most intelligent Senators ever to serve in this body. He has taught at MIT, Harvard, Syracuse, and Cornell, and has been the recipient of over 60 honorary degrees. Few can match his résumé and none can surpass his commitment to this nation. He will be sorely missed.

The building to be named for DANIEL PATRICK MOYNIHAN is a magnificent structure in New York City that will be a fitting tribute to the distinguished Senator. Completed in 1994 and built to last 200 years, the courthouse is an extraordinary work of art inside and out. It will serve as an enduring monument to our good friend Senator MOYNIHAN and his 47-year career in public service.

Mr. WARNER. Mr. President, I rise today to lend my support for the naming of the Pearl Street courthouse in New York City as humble tribute to our colleague, the distinguished senior Senator from New York, DANIEL PATRICK MOYNIHAN, who regrettably announced his retirement from this body at the conclusion of the 106th Congress.

It is only fitting that any recognition of the senior Senator from New York's achievements should first underscore his limitless passion in reflecting the highest ideals befitting the dignity, enterprise, vigor and stability of the American government. His singular vision of the role of a United States Senator and his deep desire to live up to that lofty image is only part of what makes my friend and colleague the paragon of public service which he has been for this body, his constituents and the American people for nearly a quarter century.

Since his election to the United States Senate in 1976, Senator MOYNIHAN has imprinted an indelible impression upon our Nation's Capital in so many estimable ways. His virtues extend far beyond my capabilities of statesmanship but, given that the pending matter is the naming of a federal building in his honor, I will limit myself to simply discussing his unique role in shepherding the physical transformation of the federal landscape in Washington, D.C.

During his tenure in Congress, Senator MOYNIHAN has made a consistent commitment to build government buildings well and help achieve the potential L'Enfant envisioned here 200 years ago.

There's a fitting symmetry to Senator MOYNIHAN's career in Washington. He started out nearly four decades ago in the Kennedy Administration, and his service at the White House end of

Pennsylvania Avenue continued in the Johnson and Nixon years. Since 1977, he's served on this end in the U.S. Capitol as the Senator from New York.

It fell to him, as one of Kennedy's cadre of New Frontiersman, to write a prescription for then-failing Pennsylvania Avenue, whose shabbiness had caught the President's eye during the inaugural parade. True to his scholar's training, Senator MOYNIHAN went back to basics to prepare an eloquent appreciation of L'Enfant's conception of Pennsylvania Avenue, "the grand axis of the city, as of the Nation . . . leading from the Capitol to the White House, symbolizing at once the separation of powers and the fundamental unity in the American government."

Little wonder, then, that Senator MOYNIHAN today can look back with satisfaction at what has happened to the avenue. He was there at the beginning.

When news came that President Kennedy had been shot, Senator MOYNIHAN was having lunch with fellow White House aides to arrange a briefing for congressional leaders concerning the new plan for Pennsylvania Avenue.

Senator MOYNIHAN started out, as he once wrote, "at a time of the near-disappearance of the impulse to art" in public building, witnessing a "steady deteriorating in the quality of public buildings and public spaces, and with it a decline in the symbols of public unity and common purpose with which the citizen can identify, of which he can be proud, and by which he can know what he shares with his fellow citizens." He called the new Rayburn House Office Building "perhaps the most alarming and unavoidable sign of the declining vitality of American government that we have yet witnessed."

In his 1962 report which he drafted for President Kennedy, "Guiding Principles for Federal Architecture," Senator MOYNIHAN outlined three broad principles which still affect federal architecture today: (1) An official style must be avoided; (2) Government projects should embody the finest contemporary American architectural thought; and (3) Federal buildings should reflect the regional architectural traditions of their specific locations.

Senator MOYNIHAN's deep rooted passion for public architecture has abated not an iota in the years since he wrote that document. In an interview he gave as a freshman Senator newly assigned to the Environment and Public Works Committee, he was quoted as saying, "I like buildings, I like things," he explained simply, "and the government builds things." Later as chairman, he used his vantage point to become one of the capital's most persuasive, powerful voices for rationality and beauty in the things our government builds.

Recently, he was asked about the capital's esthetic transformation, to

which he asked a rhetorical question: "Do we realize we look up and we have the most beautiful capital on earth?"

I thank Senator MOYNIHAN. I have been privileged to serve with you to help transform Pennsylvania Avenue into the great thoroughfare of the city of Washington, DC.

His 1962 vision is Y2K's reality. I sincerely hope that the courthouse we name in his honor reflects the legacy of federal architecture he leaves and the great vision of this Nation he always espoused.

Mr. BAUCUS. Mr. President, I rise to speak in favor of S. 2370. S. 2370 names the new Foley Square Courthouse at 500 Pearl Street, New York City, after Senator DANIEL PATRICK MOYNIHAN. But even more, I wish to pay tribute to a colleague, a mentor, and a friend.

When Senator MOYNIHAN retires from the Senate at the end of this year, he will be deeply and perhaps uniquely missed because he has contributed so much to our debates and, in fact, to our lives. There will be plenty of time for extended tributes later.

Each Senator will stand up and explain in his own words the work and wonder of Senator MOYNIHAN, particularly as the session draws to a close, and I hope to participate in those tributes at that time.

The bill we are considering today is also a fitting tribute for two reasons: First, one of the many special contributions that PAT MOYNIHAN has made to our Nation is the contribution to our public architecture.

Thomas Jefferson said:

Design activity and political thought are indivisible.

In keeping with this, PAT MOYNIHAN has sought to improve our public places so they reflect and uplift our civic culture.

Senator MOYNIHAN, himself, said it well back in 1961. We all know he has held many important positions in Government, in fact, so many I don't think any of us can remember them all. But only recently did I learn that he once was the staff director of something called the Ad Hoc Committee on Federal Office Space.

That is right. He was. In addition to everything else, he once wrote a document called the "Guiding Principles for Federal Architecture" back in 1961. And that remains in effect today. It is one page long. It says that public buildings should not only be efficient and economical but also should "provide visual testimony to the dignity, enterprise, vigor, and stability of the American Government."

For many years, he has worked with energy and vision to put the goals expressed in the guidelines into practice.

As an assistant to President Kennedy, he was one of the driving forces behind the effort to renovate Pennsylvania Avenue, to finally achieve Pierre L'Enfant's vision.

He followed through. There is the Navy Memorial, Pershing Park, the Ronald Reagan Building, and Ariel Rios. And there are other projects. Along with John Chafee, he had the vision to restore Union Station—a magnificent building—and then to complement it with the beautiful Thurgood Marshall Judiciary Building.

It is absolutely remarkable, leaving a lasting mark on our public places that bring us together as American citizens.

In fact, it is no exaggeration to say that DANIEL PATRICK MOYNIHAN has had a greater positive impact on American public architecture than any statesman since Thomas Jefferson.

That brings me to my second point. The new courthouse in Foley Square bears PAT MOYNIHAN's mark. It is the Nation's largest courthouse, for the Nation's oldest Federal court.

Senator MOYNIHAN was the principal sponsor of the bill authorizing its construction back in 1987. And characteristically, he followed through, paying close attention to details.

At times, the courthouse has been controversial. But no one can deny its grandeur. It preserves history, uses space to great effect, and it features a graceful sculpture in the form of a fountain designed by Maya Lin, who also designed the Vietnam War Memorial.

The building itself is designed by a very distinguished American firm, Kohn Pederson Fox, and it was designed, as Senator MOYNIHAN himself has said, "with dignity and presence."

I am sure Senator MOYNIHAN will correct me later if I am wrong, but I believe in St. Paul's Cathedral in London there is an inscription memorializing the architect of the cathedral, Sir Christopher Wren. It reads:

If you would see his memorial, look about you.

If, years from now, you stand outside the Capitol and look west, down Pennsylvania Avenue, or you stand on the steps of the Jacob Javits Federal Building in New York City and look east at the courthouse that will bear his name, you can say the same about Senator DANIEL PATRICK MOYNIHAN:

If you would see his memorial, look about you.

Mr. President, this bill is a fitting tribute to a distinguished scholar, an outstanding Senator, and a great American. I urge its adoption.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I rise just to say I have no words at this moment for what my beloved colleague said. We have been 22 years together on the Committee on the Environment and Public Works and on the Finance Committee. He will succeed me soon, I hope, as chairman of the Finance Committee. He has my profound and lasting gratitude for what he has just said. I am sure he will continue in that mode.

I thank my dear colleague.

Mr. SCHUMER. Mr. President, I rise today to applaud my colleagues for their unanimous support of S. 2370, a bill to name the stunning Federal Courthouse at 500 Pearl Street in Manhattan after Senator DANIEL PATRICK MOYNIHAN, the champion of this project and an esteemed Member of this body. I also rise to honor Senator MOYNIHAN, who against the wishes of his fellow New Yorkers, myself included, plans to retire at the end of this year. I honor PAT MOYNIHAN for all he has accomplished throughout his 47-year career in public service as legislator, scholar, reformer, teacher, and last, but definitely not least, builder.

It is especially for his role as builder that we honor him today. The Federal Courthouse at 500 Pearl Street embodies the same spirit as Senator MOYNIHAN's previous architectural endeavors—an extraordinary work of art, inside and out. Completed in 1994, the Courthouse was designed by the distinguished architectural firm of Kohn Pederson Fox with a dignity worthy of the weighty judicial matters considered within its walls. It is a magnificent structure of solid granite, marble, and sturdy oak, built to last 200 years, adorned with public art from notable contemporary artists Ray Kaskey and Maya Lin.

Senator MOYNIHAN has always been an important force for architecture in New York. He was responsible for the restoration of the spectacular Beaux-Arts Custom House at Bowling Green in Lower Manhattan and beloved in Buffalo for reawakening that city's appreciation for its architectural heritage, which includes Frank Lloyd Wright houses and the Prudential Building, one of the best-known early American skyscrapers by the architect Louis H. Sullivan—a building which MOYNIHAN helped restore and then chose as his Buffalo office. MOYNIHAN has also spurred a powerful popular movement in Buffalo to build a new signature Peace Bridge over the Niagara River.

But the project for which he is best known is his beloved Pennsylvania Station. In 1963, PAT MOYNIHAN was one of a group of prescient New Yorkers who protested the tragic razing of our City's spectacular Penn Station—a glorious public building designed by the nation's premier architectural firm of the time, McKim, Mead & White.

It was PAT MOYNIHAN who recognized years ago that across the street from what is now a dingy basement terminal that functions—barely—as New York City's train station, sits the James A. Farley Post Office Building, built by the same architects, in much the same grand design, as the old Penn Station. MOYNIHAN recognized that we could use the Farley Building to once again create a train station worthy of our great City. I had offered a bill last year to

name that new train station after him, but Senator MOYNIHAN, with characteristic modesty, asked that the station keep the Farley name. And I, with characteristic persistence, introduced another bill to name the new Federal Courthouse at 500 Pearl Street after him.

Not coincidentally, the Courthouse's presence and elegance befit Senator MOYNIHAN, who was most responsible for its creation. Senator MOYNIHAN toiled for nearly a decade prodding the Congress, General Services Administration, three New York City mayors, and anyone else he needed, to see this spectacular Courthouse built. The Courthouse at 500 Pearl Street will serve as a fitting tribute and provide an enduring monument in the heart of the City that PAT MOYNIHAN and I both love so dearly, a monument for the millions of New Yorkers and their fellow Americans who love and admire Senator DANIEL PATRICK MOYNIHAN.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any additional statements relating to the bill be printed the RECORD.

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

The bill (S. 2370) was read the third time and passed, as follows:

S. 2370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE.

The Federal building located at 500 Pearl Street in New York City, New York, shall be known and designated as the "Daniel Patrick Moynihan United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Daniel Patrick Moynihan United States Courthouse.

E. ROSS ADAIR FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 505, H.R. 2412.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2412) to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be