

trade agreements. I believe it's unfortunate because without fast track authority it will be more difficult to negotiate reductions in non-tariff barriers throughout the world that would stimulate demand for American products and create jobs for American citizens.

I have outlined a heavy burden, Mr. President, one whose weight may surprise us. Many Americans thought we won, no doubt, and that the burden of leadership—along with the cloud of danger—had passed. We did win, Mr. President, our blood and treasure struck a tremendous blow for freedom. Our pride is not diminished by the fact that our work is not done.

Shortly before the Soviet Union fell, one of the great soldiers of the Cold War, General Colin Powell, met with General Jack Galvin—commander of NATO—to discuss threats to our security. General Galvin wore a worried look on his face as he plodded through threat after threat after threat that remained. General Powell responded: "Smile, Jack. We won."

Smile, Mr. President. But we must also steel our will. The burden of war is behind us. The burden of victory remains.

EXPORT-IMPORT BANK AND THE ENVIRONMENT

Mr. D'AMATO. Mr. President, I understand that my good friend and colleague from Alaska, Senator MURKOWSKI, chairman of the Senate Energy and Natural Resources Committee, has recently introduced legislation which would amend the Export-Import Bank Act of 1945 to assure that the United States is consistent with other G-7 countries in evaluating environmental concerns whenever the Bank undertakes project financing. I understand the Senator's concerns. However, I feel that this issue would be much better addressed with a full hearing. Adding this provision onto the Omnibus Appropriations bill without fully discussing it and analyzing its implications with a hearing, may not be prudent.

Mr. MURKOWSKI. Mr. President, my good friend from New York, the chairman of the Senate Committee on Banking, Housing, and Urban Affairs, Senator D'Amato, is correct. I have introduced a bill, S. 2537, to amend the Export-Import Bank's environmental provisions. The bill does two things. First, it directs the Ex-Im Bank to negotiate a multi-lateral agreement with the export financing agencies of all G-7 countries to address environmentally sensitive development overseas. Second, until such agreement is reached, my legislation would ensure that U.S. companies have access to Ex-Im Bank financing of overseas projects where other G-7 countries are providing or have indicated an intent to provide financing to the project in question without conditioning such assistance on environmental policies or procedures. The net effect of this law is to

impose unilateral sanctions on U.S. companies in the name of the environment.

I had intended to discuss this legislation as part of Senate action on trade issues, because the issue here is trade and competition. This year, however, trade legislation may only be adopted as part of the omnibus spending bill, or not at all.

Mr. D'AMATO. Clearly, my friend has raised a valid concern. Certainly, no member in the Senate is in favor of needlessly denying the necessary financing to a U.S. company, and allowing them to compete internationally, especially in light of the disproportionate levels of financing, and in some cases subsidization provided by many foreign governments to their domestic businesses. I share the Senator's concerns that the Bank not give any other country an unfair advantage when it comes to competing for jobs abroad. However, I am also concerned that this issue has not been addressed properly by the Senate Banking Committee, the committee of jurisdiction with regard to this issue. When ever the Bank considers financing projects abroad, there certainly should be consideration given to the effects on the environment. And additionally, the U.S. should continue to participate in negotiations with the rest of the international community which seek to establish some set of standards for all countries.

Mr. MURKOWSKI. Mr. President, I understand the concerns of the Senator from New York about this legislation, particularly because he is chairman of the committee with jurisdiction over the Export-Import Bank. And I agree that this matter is so important that it deserves the attention of the full Committee on Banking, Housing and Urban Affairs. Is the Senator saying that when the Senate reconvenes for the 106th session, the Chairman will schedule a hearing on my legislation at the earliest possible convenience?

Mr. D'AMATO. Mr. President, that is precisely what I am suggesting, and I appreciate the cooperation of the Senator from Alaska and his understanding on this matter.

Mr. MURKOWSKI. I thank my good friend from New York. As a result of his commitment on hearings, I will not attempt to include my Ex-Im legislation in the omnibus spending bill. I will look forward to working with the Chairman next year to address this important issue.

SOFTWARE COMPETITION

Mr. KERRY. As many of my colleagues are aware, on October 7, a coalition of prominent consumer groups released a study entitled "The Consumer Case Against Microsoft." The report reviews quantitative evidence, journalistic accounts of the software industry and evidence presented by the Department of Justice and the states Attorneys General in its discussion of four major areas of alleged attempts at

monopolization—operating systems, desktop applications, web browsers and electronic commerce. The report concludes that Microsoft has a monopoly in several important segments of the consumer software market and is likely to continue to use its market power to gain monopoly market share in other existing and developing markets. In addition, the report argues that Microsoft's business practices and monopoly status combine to deprive consumers of cost savings, quality and choice. These are important issues, and I hope the next Congress will further explore this matter.

Later this month, after we adjourn, the antitrust case against Microsoft will go to trial, and it may conclude before the next Congress convenes. During the course of this trial, the public will learn much about business practices in the software industry, and issues surrounding competition in the software industry will likely gain a higher degree of visibility. I commend all of my colleagues to monitor this trial and the questions that it may raise.

I also ask my colleagues to review the consumers groups' report along with any rebuttal which Microsoft may put forth. The issues raised in the report and during the trial may force Congress to examine whether existing antitrust law sufficiently addresses market abuses in the new digital age. They may also force Congress to consider new and important consumer protection and market dominance issues absent traditional antitrust examination. In the final analysis, we must strive to ensure that all consumers, large and small, are able to benefit from a vibrant and competitive electronic marketplace marked by innovation, competitive pricing and consumer choice.

MANUFACTURED HOUSING IMPROVEMENT ACT

Mr. SHELBY. Mr. President, due to an inadvertent oversight, Senator SUSAN COLLINS was not listed as a co-sponsor of S. 2145, the Manufactured Housing Improvement Act of 1998, when the Senate returned from August recess in September. I hope this statement in the CONGRESSIONAL RECORD will clarify Senator COLLIN's enthusiasm for S. 2145. I thank Senator COLLINS for her support of the bill.

PATENT AND TRADEMARK OFFICE REAUTHORIZATION

Mr. LEAHY. Mr. President, I am pleased that the Senate has passed the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999, H.R. 3723. This bill, which passed the House of Representatives on May 12, 1998, is an important measure that would benefit all American inventors and would, for the first time in the history of the U.S. patent system, reduce patent fees.

The United States Patent and Trademark Office (PTO) is totally funded by user fees. Prior to 1990, the PTO was funded through a combination of user fees and taxpayer revenue. However, in a deficit reduction exercise in 1990, taxpayer support for the operations of the PTO was eliminated and user fees were substantially increased by the imposition of a surcharge on patent fees. The temptation to use the surcharge has proven to be increasingly irresistible to Congress and the Administration, to the detriment of sound functioning of our nation's patent system. Through Fiscal Year 1998, a total of \$235 million has been diverted from the PTO to other unrelated agencies and programs.

At the urging of the inventor community, Congress allowed the surcharge to sunset at the end of Fiscal Year 1998. This means, however, that Congress must take affirmative action to adjust patent fees or the PTO will suffer a drastic reduction in revenue for the current fiscal year which will leave it unable to hire the patent examiners needed to reduce the time required to get a patent to eighteen months. Prompt processing of patent applications is particularly important for those inventors who need their patents to raise risk capital.

The Administration forwarded a draft bill to the Congress which would have continued patent fees at the current levels. However, in an oversight hearing before the House Judiciary Committee, Commissioner Lehman stated that the PTO would be unable to use all the revenues that would be generated if patent fees were to be continued at their current level in fiscal year 1999. Commissioner Lehman stated that keeping fees at their current level would generate \$50 million in excess fee revenue which the Administration planned to divert to other government programs. The response by the House of Representatives was to craft a bill, H.R. 3723, that would adjust patent fees to provide all of the money which the PTO indicated that it could use in fiscal year 1999, but which would not generate an unneeded \$50 million simply to support other government programs.

In the absence of any action on H.R. 3723, Congress had to include specific language in the continuing resolution signed by the President on September 25, 1998 addressing the level of patent fees that the PTO could charge. Section 117 of Public Law 105-240 provides that the PTO can continue to charge patent fees at the same level that existed on September 30, 1998 through October 9, 1998. As I previously noted, patent fees at this level are higher than they need to be to fully fund the PTO in fiscal year 1999. In a fiscal year when there are debates over how to use the billions of dollars of budget surplus, it is inappropriate for Congress to require the PTO to charge inventors more than the cost of rendering the services which they receive. By enacting H.R. 3723 we serve American inventors and provide them with the first real patent

fee reduction in the history of the nation. This bill is good for American inventors and good for the United States.

THE HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT 1998

Mr. JEFFORDS. Mr. President, I am very pleased to support the passage of S. 1754, the Health Professions Education Partnerships Act of 1998. This legislation reauthorizes the health care training programs contained in titles VII and VIII of the Public Health Service Act and its enactment will improve health workforce quality, diversity, and the distribution of funds—while requiring greater accountability of both the grant recipients of federal funds and the agency that administers them. I am pleased to be an original co-sponsor of the Act.

Senate bill 1754 reauthorizes and consolidates 37 categorical grant and contract authorities of title VII and VIII of the Public Health Service Act into 8 clusters to provide for the support of health professions training programs and related community-based educational partnerships. To preserve the integrity of the programs, 15 funding lines will continue. This legislation provides comprehensive, flexible, and effective authority for the support of health professions training programs and the related community-based educational partnerships.

In my own State of Vermont, the students of the University of Vermont's College of Medicine have benefited from a number of these programs and scholarships, including those relating to family medicine and professional nurse and nurse practitioner training. The newest title VII program in Vermont is the Area Health Education Center (AHEC) which opened its first site in April 1997 in the Northeast Kingdom of Vermont. The AHEC will decentralize health professions education by having portions of the training provided in primary medical personnel shortage areas and by improving the coordination and use of existing health resources. Over the next two years, two additional sites are planned in other underserved areas of the State. These efforts have contributed to making Vermont a better place to obtain health care services and they have improved the quality of life for its residents.

I want to thank Senator FRIST and his excellent staff for their dedication and hard work in drafting the Health Professions Education Partnerships Act of 1998. The enactment of this act will improve the training of our nation's health workforce and, also, provide for greater accountability of the public funds used to support these educational programs.

THE MEDICAL RESEARCH INFRASTRUCTURE GAP

Mr. HARKIN. Mr. President, before this Congress ends, I want to bring to

my colleagues' attention an important issue confronting our nation's biomedical research enterprise and its search for medical breakthroughs as we move into the next century.

First, I want to say how pleased I am that we were able to provide the biggest increase ever for medical research this year. We worked hard to make that happen and I want to commend my colleague, Senator ARLEN SPECTER, for his leadership and work with me on this important accomplishment. The Conference Agreement of the Fiscal 1999 Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, provides a \$2 billion, or 15 percent, increase for the National Institutes of Health (NIH), the principal source of Federal funding for medical research conducted at our nation's universities and other research institutions. That 15 percent increase puts Congress on course to double funding for the NIH over the next five years, a target I've called for and agreed to by the Senate earlier in this Congress.

However, as Congress embarks on this important investment in improved health, we must strengthen the totality of the biomedical research enterprise. While it is critical to focus on high quality, cutting edge basic and clinical research, we must also consider the quality of the laboratories and buildings where that research is being conducted, as well as the training of future scientists and the salaries of those scientists.

In fact, Mr. President, the infrastructure of research institutions, including the need for new physical facilities, is central to our nation's leadership in medical research. Despite the significant scientific advances produced by Federally-funded research, most of that research is currently being done in medical facilities built in the 1950's and 1960's, a time when the Federal government obligated from \$30 million to \$100 million a year for facility and equipment modernization. Since then, however, annual appropriations for modernization of our biomedical research infrastructure have been greatly reduced, ranging from zero to \$20 million annually over the past decade. As a result, many of our research facilities and laboratories are outdated and inadequate to meet the challenge of the next millennium.

Over the past decade, I've worked hard both as chair and now Ranking Member of the health subcommittee to get the NIH budget increased to \$15.5 billion. Yet, over that same period, support for facility and laboratory modernization totaled only \$110 million. In the Fiscal 1999 appropriations bill, only 0.2 percent of the NIH budget will be directly devoted to improvement of the extramural laboratories that house NIH-funded scientists and support their research.

As we work to double funding for medical research over the next 5 years, the already serious shortfall in the