

myself. It is one of two or three ways that I have determined to be appropriate to reduce the cost of prescription drugs—not just to some Americans, not just to seniors, not just to low-income seniors, but to all Americans—by ending, or at least arresting, the outrageous discrimination that is being practiced by American pharmaceutical manufacturing concerns that are benefiting from American research and development aspects, benefiting from the research paid for by the people of the United States through the National Institutes of Health, but still discriminating against American purchasers by charging them far more—sometimes more than twice as much—for prescription drugs than they do for the identical prescription drugs in Canada, in the United Kingdom, in Germany, New Mexico, and elsewhere around the world.

The proposal by Senator JEFFORDS and others to which the President referred at least allows our pharmacies and drugstores to purchase these drugs in Canada or elsewhere when they can find identical prescription drugs at lower prices than the American manufacturers will sell them for to these American pharmacists, and to reimport them into the United States and pass those savings on to our American citizens.

I don't often find myself in agreement with President Clinton, but I do in this case. I believe he is entirely right to urge the Speaker and the majority leader to include this proposal in the appropriations bill for the Department of Agriculture or, for that matter, any other bill going through the Senate and the House of Representatives, so that we can take this major step forward to slow down, at least, this unjustified discrimination in the cost of prescription drugs to all Americans.

In this case, I join with the President in asking both the Speaker and our majority leader to use their best efforts, as I believe they are doing, to see to it that this overdue relief is in fact offered.

#### MICROSOFT APPEAL

Mr. GORTON. Mr. President, the Supreme Court, with eight of nine Justices concurring, has just agreed with Microsoft that the notorious prosecution of Microsoft by the Department of Justice should go through the normal process of appeal and should be determined and should be examined by the District of Columbia Circuit Court of Appeals before any possible or potential appeal to the Supreme Court of the United States.

This was a correct decision for a number of reasons, not the least of which is the complexity of the case and the length of the record which, under almost any set of circumstances, would go through the normal appeals process.

The district court judge who decided the case and who has determined, I think entirely erroneously, that Microsoft must be broken up, wished to skip the District of Columbia Circuit Court of Appeals, stating that this matter was of such importance that it should go directly to the Supreme Court. The real motivation of the lower court, I suspect, however, was the fact that one of the vital elements of the district court's decision is directly contradictory to a decision of just about 2 years ago by the District of Columbia Circuit Court of Appeals—the integration of a browser/Microsoft operating system, a major step forward in technology and convenience for all of the purchasers of that system.

It is easy to understand why the district court judge didn't want to go back to a higher court that he had directly defied, but that is no justifiable reason for skipping a District of Columbia Circuit Court of Appeals, and the Supreme Court, I am delighted to say, agrees with that proposition.

This matter is now on its normal way through the appeals process, a process that I am confident will justify, in whole or in major part, the Microsoft Corporation, but only at great expense and at a great expenditure of time.

Once again, I call on this administration or on its successor to see the error of its ways in bringing this lawsuit in the first place. It has been damaging to innovation in the most rapidly changing technology in our society, one that has changed all of our lives more profoundly, I suspect, than any other in the course of our lifetimes. It is immensely damaging to our international competitiveness, encouraging, as it does, similar lawsuits by countries around the world that would love to slow down Microsoft's competitive innovation so they could catch up.

This is a field about which 10 or 15 years ago we despaired. Today, we are clearly the world leaders. For our own Government to be hobbling our own competitiveness is particularly perverse. It opens up the proposition that innovations in software will have to be approved by Justice Department lawyers before they can be offered to consumers in a way that seems to me to be perverse.

It doesn't take a great deal of courage to say that I trust Microsoft software developers in their own field more than I do Justice Department lawyers. At best, this was a private lawsuit, effectively brought on behalf of Microsoft competitors but being paid for by the taxpayers of the United States, where it should have, had it gone to court at all, been just that—a private lawsuit in which the Federal Government had little or no interest.

So, good news from the Supreme Court but news that can be greatly improved by a new administration's fresh look and the dismissal of its case in its entirety.

#### MORNING BUSINESS

Mr. GORTON. Mr. President, I ask consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

#### ACKNOWLEDGMENT OF SENATOR PAT ROBERTS' 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator PAT ROBERTS has achieved the 100 hour mark as Presiding Officer. In doing so, Senator ROBERTS has earned his second Gold Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the golden gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator ROBERTS and his diligent staff for their efforts and commitment to presiding duties during the 106th Congress.

#### INTERIOR APPROPRIATIONS

Ms. LANDRIEU. Mr. President, I rise to call the attention of this body to some very important negotiations that are underway.

We have debated many important subjects in this Congress as it comes to a close. Some of those larger subjects have been attempts to create a prescription drug benefit for the Nation, how should we go about doing that. We have had a long and intense debate on education. We have had debates on the privacy issue, on bankruptcy reform.

One of the debates in which we have engaged that has captured the attention of many people around the Nation—Governors and mayors, local elected officials, chambers of commerce, outdoor enthusiasts, environmentalists across the board—is our debate about how we should allocate a small portion of this surplus; what is the proper way to allocate that to preserve and enhance the environment of our Nation.

As we begin this century, this is a debate worth having because if we make the wrong decision, it will set us on a path where we will not be happy to end up. We need to make a good decision now. We are in the very crux of making that decision, as appropriators on both sides debate the final outcome of this year's Interior appropriations bill.

I urge Senators to pay attention, as carefully as they can, to the ongoing debates on how to allocate this funding.

On the one hand, there is a group saying: Let's just do more of the same.