

The report's emphasis on additional ground testing and purchasing additional hardware—such as a second launcher for the Kwajalein test site—makes good sense.

Any program subjected to scrutiny on the level of the Welch Panel's will face some criticism about particular aspects of how the program is being conducted. But one key phrase in the report is worth keeping in mind, and I quote: "Given the set of challenges and the phased decision process, the JPO [BMDO's NMD Joint Program Office] and LSI [Boeing, the Lead System Integrator] have formulated a sensible, phased, incremental approach to the development and deployment decision—while managing the risk."

Every DoD program has some degree of risk; the risk in each program, NMD included, can be mitigated by additional time and money. However, the NMD program is not being developed in a vacuum, a point clearly made by North Korea's flight test of the three-stage Taepo Dong I ICBM in August of 1998. We don't have the luxury of time. Because of the proliferation threat, our choice is simple: We can accept additional program risk, or we can leave the United States vulnerable to rogue threats of coercion by placing a premium on wringing risk from the NMD program.

The emphasis must be on protecting America and American interests. The continued vulnerability of the United States is unacceptable, which is why many of the Welch Report's recommendations should be implemented as quickly as possible.

Because of the threat we have no choice but to accept a high-risk program. We ought to accept as much risk as we can stand, because the consequences of not being prepared for the threat are so high. "High" risk is not synonymous with "failure," as demonstrated by the recent successful intercept conducted by this program. Decision points in the National Missile Defense program should not be adjusted because of a high level of risk in the program, but only if the level of risk becomes unacceptably high. To date no senior Defense Department official has told me that the level of risk in the NMD program is unacceptable.

Much of this report focuses on a lack of hardware to test and insufficient simulation facilities. That is the reason Congress added \$1 billion for missile defense last year.

The Welch Report also calls for flight tests against more varied targets. After the recent successful NMD flight test, there was an unfortunate rush to judgment by some who wanted to indict this program as a fraud for not attempting the most complex intercept test immediately. These critics were obviously unaware of the fact that it was the Welch Panel, during its investigation, which recommended to BMDO that the recent flight test be simplified. I support the Welch Report's suggestion for realistic testing, and

hope that everyone will keep in mind the importance of testing the basics first, and then proceeding to more complex tests.

There are, of course, some problems with testing against more realistic targets that have nothing at all to do with the NMD program. According to the Ballistic Missile Defense Organization, BMDO believes it is—and I quote from a note BMDO sent to my staff—"constrained by START treaty limitations"—from testing against more realistic targets.

This surely must be a misunderstanding within the Defense Department that will be resolved quickly.

I want to commend the members of the panel who produced the Welch Report. I hope that some of their concerns have been ameliorated by the recent NMD intercept, which occurred too late to be included in their report.

PATENT REFORM AND INVENTOR PROTECTION LEGISLATION

Mr. LIEBERMAN. Mr. President, I rise to express my support for S. 1798, the American Inventors Protection Act. Yesterday I became a co-sponsor of the patents reform legislation, which was recently reported out of the Senate Judiciary Committee. It is my understanding that the provisions contained in that legislation are being folded into a larger bill, which also addresses satellite television and other matters. Although I urge passage of this larger bill, in my comments today I will speak only to the provisions dealing with patent reform and inventor protection, provisions which I strongly believe will provide vital new protections both to businesses and to individual inventors. In particular, I am pleased to see an entire title dedicated to regulating invention promoters, many of whom are little more than con artists. In 1995 I introduced the "Inventor Protection Act" of 1995, which was the first bill to target the unscrupulous firms that take advantage of inventors' ideas and dreams. Several of my bill's provisions now appear in the House and Senate legislation, and I am glad to see that the work we did in the 104th Congress, combined with the efforts of others since, should finally result in the passage of long needed protections against invention promotion scams.

The American Inventors Protection Act is a well-rounded bill. It reduces patent fees and authorizes the Commissioner of the Patent and Trademark Office (PTO) to report to Congress on alternative fee structures. The goal here, as with other titles of the legislation, is to make our patent system as accessible as possible to all. Another reform would save money for parties to a patent dispute. It allows third parties the option of expanded inter partes reexamination procedures; these new procedures before the PTO will decrease the amount of litigation in federal district court.

The "First Inventor Defense" is a vital new provision for businesses and

other inventors caught unaware by recent court decisions allowing business methods to be patented. It is simply unfair that an innovator of a particular business method should suddenly have to pay royalties for its own invention, just because of an unforeseeable change in patent law. It is my understanding that any kind of method, regardless of its technological character, would be included within the scope of this definition, provided it is used in some manner by a company or other entity in the conduct of its business.

Two other provisions provide greater predictability and fairness for inventors. One title guarantees a minimum patent term of 17 years by extending patent term in cases of unusual delay. Another allows for domestic publication of patent applications subject to foreign publication. I support the changes made to this provision since the last Congress, changes which should satisfy the concerns of independent inventors that their ideas might be copied before their patents are granted.

Finally, I applaud the new regulations and remedies which will provide inventors with enhanced protections against invention promotion scams. Each year thousands of inventors lose tens of millions of dollars to deceptive invention marketing companies. In 1994, as then-Chairman of the Subcommittee on Regulation and Governmental Affairs, I held a hearing on the problems presented by the invention marketing industry. Witness after witness testified how dozens of companies, under broad claims of helping inventors, had actually set up schemes in which inventors spend thousands for services to market their invention—a service that companies regularly fail to provide.

The legislation I introduced in 1995 used a multi-faceted approach to separate the legitimate companies from the fraudulent and guarantee real protection for America's inventors. I am gratified that a number of the provisions from my bill have been used in a title of this year's patent reform legislation specially devoted to invention marketing companies. Both bills provide inventors with enhanced protections against invention promotion scams by creating a private right of action for inventors harmed by deceptive fraudulent practices, by requiring invention promoters to disclose certain information in writing prior to entering into a contract for invention promotion services, and by creating a publicly available log of complaints received by the PTO involving invention promoters.

The provisions contained in the American Inventors Protection Act represent our best hope for passage of meaningful patent reform. I urge my colleagues to support their passage to ensure that inventors as well as their ideas are adequately protected.

THE CONVEYANCE OF CERTAIN LANDS TO PARK COUNTY, WYOMING

Mr. ENZI. Mr. President, I rise in support of legislation that I and my colleague, Senator CRAIG THOMAS, introduced on Tuesday, November 9, 1999, that would authorize the sale of certain federal lands near Cody, Wyoming to Park County Wyoming for future use as an industrial park.

By purchasing this property, and zoning it as an industrial park, Park County will be able to provide, protect, and recognize an area that is well suited for industrial development, in a manner consistent with uses on surrounding properties, and do so in a way that does not burden other areas in the community whose uses are more residential or commercial in nature.

The property in question consists of approximately 190 acres of federal land just north of the Cody City limits. Part of this land is currently leased to a number of light industrial corporations including a gypsum wall board manufacturing facility, a meat processing facility, a trucking company, an oil company, a concrete company, and a lumber company. The property is also currently used as a utility corridor and is encumbered by a natural gas pipeline, several electricity and oil and gas pipeline rights of way, and a railroad easement held by the Chicago Burlington Quincy Railroad.

This proposal offers a needed shot in the arm for an economy that has not been able to attract a diversity of new jobs based on of a shortage of available industrial property. This shortage was created by a strong federal presence—82 percent of the land in Park County is owned by the Federal Government, with 52 percent of that land designated and managed as Wilderness. This high concentration of federal land drives up the price on available private land making industrial development very difficult.

In conclusion Mr. President, I hope my colleagues can join with me in support of this legislation and together we can provide the Cody area with a wonderful community building opportunity.

INCREASING THE MINIMUM WAGE

Mr. SANTORUM. Mr. President, I would like to take a moment to discuss the amendment offered by Senator DOMENICI, Senator ABRAHAM, and myself to raise the minimum wage. I cosponsored this proposal because I believe it represents a fair, sensible compromise.

In raising the minimum wage, it is imperative that we do not hurt the very people we are trying to help. Increasing the minimum wage always carries the risks of hindering job growth, cutting off opportunities for entry level workers, or displacing current workers. These risks are a real concern to me. In my view, any in-

crease in the minimum wage must be accompanied by measures that will negate possible unintended negative effects on workers and businesses.

I believe the Domenici amendment offers a reasonable way to help workers and businesses by coupling the wage increase with tax relief that will help small businesses offset the additional costs. I would like to highlight a few of the ways this amendment creates a win-win situation for workers and small businesses. First, our amendment provides a one dollar increase in the minimum wage, which will be phased in incrementally over the next three years. Currently, the federal minimum wage is \$5.15 per hour. Our amendment raises the minimum wage to \$5.50 per hour in 2000, to \$5.85 per hour in 2001, and to \$6.15 per hour in 2002. It also includes reforms to expand pension coverage, particularly for employees of small businesses. These provisions enhance fairness for women, increase portability for plan participants, strengthen pension security and enforcement, and streamline regulatory requirements. Likewise, our proposal permanently extends the Work Opportunity Tax Credit, which gives employers an incentive to hire people receiving public assistance. This program helps people who have fallen on hard times to move back into the workplace. A section of our proposal that I am particularly proud of allows self-employed individuals to deduct 100 percent of their health insurance costs as early as next year. Under current law, hard working men and women must wait until 2003 before they can fully deduct their health insurance costs. This measure puts small business owners, farmers, and other hard working men and women struggling to get their businesses off the ground on a level playing field with large corporations, who already enjoy full deductions for healthcare. I have fought for this parity throughout my tenure in Congress, and I thank Senator DOMENICI for including it in this amendment.

Mr. President, our amendment is a compromise package. It is a good faith attempt to help low-income workers without penalizing their employers or causing unintended job displacement. We believe the tax relief and pension reforms in this bill will help small businesses and mitigate possible adverse effects of raising the minimum wage.

Once again, I thank Senator DOMENICI for his hard work on this amendment.

THE MANUFACTURED HOUSING IMPROVEMENT ACT

Mr. JOHNSON. Mr. President, I am pleased to offer my support and cosponsorship to S. 1452, the Manufactured Housing Improvement Act. Rural America, and my state of South Dakota in particular, is in the midst of an affordable housing crunch. In South Dakota, approximately four of ten new

single family homes are manufactured homes, and with an average cost of around \$42,000, manufactured homes enable many individuals, young families, and retired South Dakotans to enjoy the benefits of homeownership. Nearly one-quarter of the new homes nationwide are manufactured homes, and an estimated 8% of the American population lives in manufactured homes.

Despite the increasing number of manufactured homes, the Federal Manufactured Home Construction and Safety Standards Act has not been updated since its creation in 1974. Over the past twenty five years, manufactured homes have evolved from being predominately mobile trailers to permanent structures that contain the same amenities found in site-built homes. The inability of regulations to keep pace with changing technology and the nature of manufactured housing frustrates manufactured housing builders and consumers alike.

S. 1452 establishes a consensus committee that would submit recommendations to the Secretary of HUD for revising the manufactured housing construction and safety standards. In addition, the bill authorizes the Secretary of HUD to use industry label fees to administer the consensus committee and update the regulations. I applaud this unique provision that costs taxpayers nothing.

There is no question that construction codes for manufactured homes are woefully outdated and in need of revision. For example, the manufactured housing industry is running six years behind the most current electrical codes. Changes in the height of ceilings in manufactured homes since 1974 have also outpaced codes regulating the location of smoke detectors in the home. As a result, some smoke detectors in manufactured homes are several feet from the top of vaulted ceilings. Another trend in the industry is for more manufactured homes to be placed on private lots with basements. Unfortunately, out-of-date HUD regulations require water heaters to be placed on the main floor of a manufactured home, thereby prohibiting the more logical placement of water heaters in the basement and near a floor drain.

By updating construction safety regulations, this bill will benefit many South Dakotans and others who own manufactured homes. The AARP has raised valid concerns with portions of this legislation that I am hopeful can be addressed. I am confident that the concerns AARP has with the composition of the consensus committee can be worked out to ensure proper representation from consumers, industry experts, manufacturers, public officials, and other interested parties. I also commend AARP for raising the issue of warranties, and as a cosponsor of this legislation, I look forward to working with my colleagues, the manufactured housing industry, and AARP to ensure consumer access to warranties.