

Following the consideration of the ALWR program, the Senate turned to a Bumpers proposal to cut \$269 million from the nuclear weapons stewardship and maintenance accounts. This is an amendment which I resolutely opposed. I believe that continued cuts to this Nation's defense structure may endanger U.S. security at home and abroad. Due to the prohibition on nuclear weapon testing, the DOE is now forced to use noncritical—that is, nonexplosive or computer modeled—testing methods to guarantee the stability of nuclear weapons. As plutonium is only 50 years old as a known element, it isn't known what will happen to it over time, and therefore, how it will change weapons performance or affect maintenance personnel during routine parts replacement. The necessary procurement of new computer and testing facilities requires this level of spending for at least the next 5 years. This shortsighted amendment was tabled 61 to 37.

Immediately thereafter, Senator ROD GRAMS of Minnesota offered an amendment to limit funding for the Appalachian Regional Commission at the House-passed level and require the Commission be phased out in 5 years. I believe that this regional commission is largely unnecessary and should face the same scrutiny which has been given to defense and entitlement funding. I supported similar efforts with regard to this Commission last year. Nonetheless, this amendment was defeated 69 to 30.

The final amendment to the energy and water appropriations bill was a Feingold amendment to eliminate funding for the Bureau of Reclamation's Animas-La Plata [A-LP] project in Colorado. The A-LP project would construct two reservoirs, seven pumping plants, and 200 miles of canals and pipes to pump water uphill to provide irrigation for local residents, most of them native American. And while I applaud Senator FEINGOLD for his efforts to reduce Government spending, this program was agreed to by treaty between the local Indian tribes and the U.S. Government. In instances such as this, I believe treaty commitments must be honored by a compelling showing of necessity, and so I opposed Senator FEINGOLD's amendment which was defeated 65 to 33.

After consideration of all amendments, I was pleased to support final passage of this important funding legislation, and I voted in support of the Energy and Water Development Appropriations Act, and it passed the Senate 93 to 6.●

#### EXPLANATION OF VOTES ON THE SENATE AGRICULTURE APPROPRIATIONS BILL

● Mr. ABRAHAM. Mr. President, farming is Michigan's second largest industry and a cornerstone of the State's economy. For this reason, I would like to take a moment to comment on some

of the amendments considered by the Senate. Prior to final passage, several amendments were debated on the floor of the Senate.

The first amendment considered was a Santorum amendment to prohibit the use of funds in excess of \$125,000 for nonrecourse loans to peanut producers. Recently, the peanut program has faced extensive scrutiny. In response to several attempts to eliminate this program, members from peanut-producing States addressed some of the more problematic aspects of this program in the farm bill. Since this issue had already been considered and decided by the Senate, I opposed Senator SANTORUM's amendment. If the peanut program is going to be amended, I believe it should be done so during consideration of farm programs as a whole. Senator SANTORUM's amendment was ultimately tabled by a vote of 64 to 34.

I did, however, support a second Santorum amendment to ensure that America's farm programs are managed in the most objective manner possible. Specifically, Senator SANTORUM's amendment prohibited the use of funds to carry out a program that was operated by a marketing association if the Secretary of Agriculture determined that a member of the board of directors of the association had a conflict of interest with respect to the program. In my opinion, a program that is not influenced by individuals who stand to gain from decisions will garner greater respect and run more smoothly than a program that is viewed as a Government subsidy for a few individuals. Unfortunately, by a vote of 61 to 37, this amendment was also tabled.

The final amendment considered was a Bryan amendment to reduce the amount of funds appropriated to the Market Access Program [MAP]. The Bryan amendment would have eliminated funding if the aggregate amount of funds and value of commodities under the program exceeded \$70 million. Formerly known as the Market Promotion Program, this program has provided funding for large and lucrative corporations such as Sunkist. I believe the Market Access Program is a clear example of corporate welfare, and I have consistently supported elimination or reduction of this unnecessary Government subsidy. I supported Senator BRYAN's amendment which was tabled by a vote of 55 to 42.

Following disposition of these three amendments, the 1997 Agriculture appropriations bill was passed, with my support, by a vote of 97 to 1. Mr. President, I am pleased that the conferees were able to act quickly to finalize this legislation and allow America's farmers to begin to grow for the market.●

#### EXPLANATION OF VOTES ON THE FISCAL YEAR 1997 TREASURY/POSTAL AND VA/HUD APPROPRIATIONS

● Mr. ABRAHAM. Mr. President, the Senate recently considered several ap-

propriation bills and addressed a number of amendments upon which I did not have the opportunity to comment at the time. One of these votes was on a motion to table the Dorgan amendment to the Treasury-Postal Appropriations bill which would have raised taxes on companies doing business overseas.

Under current law, income generated by a domestically owned controlled foreign corporation is not subject to our income taxes until that income is repatriated back into the country. In addition, CFC's earn tax credits equal to the amount of tax they pay to their foreign host—up to but not exceeding the United States rate of taxation. The Dorgan amendment would require income generated by a CFC by producing goods overseas and selling them back here to be taxed currently, rather than be deferred.

Mr. President, I believe there are a number of provisions in our Tax Code which need to be addressed, but I disagree that offering ad hoc amendments on the Senate floor to appropriation bills is the way to go about it. Appropriation bills are simply not suitable vehicles for major tax reforms. Instead, these issues should be addressed in a comprehensive manner in the Finance Committee.

That said, I also have a number of specific concerns regarding the Dorgan amendment. First, I believe Senator DORGAN needs to make a better case that companies move their plants due to this tax provision, rather than in response to comparative advantages or political barriers. Second, absent some unspecified new protective barriers, I see nothing in this amendment which would repatriate existing overseas jobs or prevent future jobs from being located there as opposed to here.

Mr. President, none of our foreign trading partners impose such a tax burden on their foreign corporations, and before the Senate chooses to impose new taxes on our companies operating overseas, I believe this issue needs to be more fully studied. While I am certain this amendment will raise taxes on American businesses and could harm our competitiveness in Michigan and elsewhere, I am unconvinced it will protect American jobs from foreign competition.

Another issue on which I wish to explain my vote was the motion to table the Bumpers amendment prohibiting the use of funds for the Space Station Program. A similar amendment was introduced last year by Senator BUMPERS, which I supported. Then and now, I have been concerned as to the costs of the program and the extent to which federal taxpayers verses the private sector should fund the effort.

In addition, I am concerned by reports that the American Physical Society has joined 14 other scientific organizations in stating that the scientific justification for the space station was lacking, and that the cost overruns threatened to crowd out other, more

promising NASA programs in future years. As was the case last year, I still believe there would be a net advantage to terminating this program. However, we are near the point where our investment is too great to not finish the project, and so I will continue to review this program annually. Should I reach the conclusion that we have reached the stage where our investment has matured, I will drop my opposition to the space station.

A pair of amendments concerning the distribution of Veterans Medical Administration resources are also worthy of additional explanation. Senators MCCAIN and GRAHAM introduced an amendment to develop a redistribution plan of Veterans Administration medical care resources. The amendment's purpose is to ensure that veterans have similar access to health care services regardless of where they live. This seems to be the correct way for an efficient government to function and is consistent with our commitment to provide quality medical care to our Nation's veterans. The Senate overwhelmingly adopted this amendment by a vote of 79 to 18.

Senators HARKIN and MOYNIHAN then introduced an amendment that would have prohibited this plan from reducing VA funds spent in any State over the previous year. Given our declining veterans population with shifting medical requirements, I believe it is unreasonable to prohibit the Department of Veterans Affairs from reducing its outlays in certain regions of the country, even if the demand for such services has decreased. The effect of this prohibition would have been large segments of our veterans population being denied medical care. This is not responsible governance, and I therefore joined with 59 other Senators in defeating this amendment 60 to 37.

Another amendment related to health care was offered by the Senator from Oregon, Senator WYDEN, which would prohibit health care plans from restricting or prohibiting certain communications between doctors and their patients. Mr. President, I believe this issue has merit and should be addressed by Congress, but I do not believe the Treasury-Postal Appropriations bill is the appropriate vehicle, especially considering that the amendment had a substantial cost which would have made the entire appropriation bill exceed its budget limits. As such, it was subject to a point of order which I supported.

It is my understanding that Senator WYDEN, Senator KASSEBAUM, and others are working at this moment to construct a bipartisan solution to both the problem raised by Senator WYDEN and the concerns of other Senators and the insurance industry. I support these efforts and look forward to seeing some type of resolution, if not in this Congress then in the next.

Finally, Mr. President, this Senator would like to explain his reasoning in voting to table Senator KERRY's

amendment calling for additional expenditures on behalf of a study on the use of taggants in black gun powder and smokeless powder. On this amendment, both the majority and minority managers of the bill as well as the administration objected to the offset used by the Senator from Massachusetts in paying for the study's expanded mandate. Therefore, I chose to support the managers' motion to table. The amendment was successfully tabled by a vote of 57 to 42.●

#### EXPLANATION OF VOTES ON THE DEPARTMENT OF DEFENSE AUTHORIZATION BILL

● Mr. ABRAHAM. Mr. President, I wish to explain a number of my votes on amendments to the Department of Defense Authorization Bill (S. 1745) passed out of this chamber on July 10, 1996. Specifically, I wish to address my votes on Senator EXON's amendment regarding a general cut in defense spending, Senator WELLSTONE's amendment regarding a shift of defense funds to other budget priorities, and Senator KYL's amendment regarding nuclear weapon testing.

Senator EXON proposed cutting the Defense budget across the board by \$4 billion. I opposed this because I believe such a blanket approach is not a responsible way to contain defense spending. Moreover, the Chairman of the Joint Chiefs of Staff, General Shalikashvili, has stated the he needs \$60 billion more than the President requested to modernize weapon systems. America's superior military equipment is aging quickly compared to that of our potential adversaries, and I believe our men and women in uniform should not be placed in harms way without the best equipment possible. By the year 2010, our average fighter will have aged by 218 percent, and will only have 1 year left in its service life limit. Tanks will be almost four times as old as they are today because we are not buying new tanks, and the current stock of tanks will have, on average, passed their designed service life. This is unacceptable. To cut these funds when our fighting men and women need them most is unconscionable, and therefore, I voted against the Exon amendment.

Mr. President, I would also like to address my vote regarding Senator WELLSTONE's amendment on shifting \$1.3 billion from defense spending to education programs. I have pledged to support those Federal education programs that work. However, this body has long respected the "firewall" between defense spending and other discretionary spending because we realize the common defense is indeed our first priority, and therefore funding for the military should be determined independent of other programs. Thus I voted to table this amendment.

The manner in which we provide for that common defense, however, sometimes is guaranteed as much by the

policies we establish as by the money we spend. Although all of us pray that nuclear weapons are never again used, we still find ourselves in a world where we must maintain an effective nuclear deterrent to defend our country and our national security. As an aside, this requirement for nuclear weapons would be drastically reduced if we were to develop an effective ballistic missile defense system for the territory of the United States. Due to the Clinton administration's opposition, however, we remain much more vulnerable to enemy nuclear attack. This requires us to maintain more nuclear weapons than we would otherwise need as a deterrent force. Therefore, as long as we have nuclear weapons, we must also ensure that they are stable and effective to maintain the deterrent influence.

To that end, we must also preserve the ability, at least in the short term, to test these weapons for stability and effectiveness. We may soon have the capability to conduct these tests by computer simulation, but I do not believe we are there yet. The data presented leads me to believe we must maintain the ability to test these weapons, at least for a few more years. As our technological capabilities progress, this may very well change, and I will be willing to reexamine this position. However, for now, I believe it was necessary for our national defense to oppose the motion to table the Kyl amendment allowing continued and limited nuclear testing.

Mr. President, as Members of the Congress, our first constitutional duty is to pass legislation for the raising and support of our Armed Forces, just as the Federal Government's first duty is to provide for the common defense. My votes, I believe, serve that duty and further our national security goals.●

#### NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1996

The text of the bill (S. 1897) to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes; as passed by the Senate on September 26, 1996, is as follows:

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

#### SECTION 1. SHORT TITLE; REFERENCES; AND TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1996".

(b) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; and table of contents

#### TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

Sec. 101. Director's discretionary fund.

Sec. 102. Children's vaccine initiative.