them in pointing out my special concern about what is happening with respect to nuclear weapons.

We have roughly 30,000 nuclear weapons in the world—30,000 nuclear weapons, the use of any one of which would cause a catastrophe, as all of us know. So we have had what we call a doctrine of mutually assured destruction for a long, long while, with the other nuclear superpower believing no one would be able to use a nuclear weapon in an attack because they would be obliterated by the other side.

That doctrine of mutually assured destruction has lasted for well over a half century. There are many in the world that aspire to achieve nuclear weapons for their own use—terrorists and other countries.

The world depends on us and on our leadership to stop the spread of nuclear weapons. There is no—I repeat, there is no—duty that is more important, in my judgment, than for this country to use its leadership capability to stop the spread of nuclear weapons. For surely, if nuclear weapons proliferate in this world, they will, one day, be used, and when used in anger will persuade others to use them; and this Earth will not be the kind of Earth that we recognize in the future.

The Energy and Water appropriations bill contains certain money to develop new bunker-buster nuclear weapons and to come up with so-called advanced concepts for new more ''useable'' nuclear weapons, and it has money to make it easier to end the ban on testing so we would begin testing once again.

This is, in my judgment, reckless discussion, reckless talk. It certainly falls under the rubric of free speech and free debate, but I happen to think this country ought to say to the rest of the world: We want to reduce the number of nuclear weapons, No. 1. And we don't need to develop new nuclear weapons. We have far more than anyone needs. And second, the last thing we ought to do is to suggest to anyone there is a green light for anyone to use, at any time, under any circumstances, nuclear weapons.

Here on this chart is what the House of Representatives said in their report recently about the administration's plans for nuclear weapons:

> It appears to the Committee the Department is proposing to rebuild, restart, and redo and otherwise exercise every capability that was used over the past forty years of the Cold War and at the same time prepare for a future with an expanded mission for nuclear weapons.

As indicated on this other chart, here is the stockpile of nuclear weapons—roughly 30,000. We have about 10,000; the Russians have about 18,000—you can see a few others around—the use of any one of which or the stealing of any one of which or the loss of any one of which to a terrorist group or a rogue nation would be devastating if they were to detonate.

The people who are talking about developing new nuclear weapons are saying: What we ought to do is take a look at earth-penetrating, bunker-buster nuclear weapons. What a wonderful idea that is, they say.

Well, the best scientists tell us you cannot penetrate the earth much more than 45 or 60 feet; you just can't. But they are talking about nuclear weapons up to 1 megaton, 60 to 70 times bigger than the Hiroshima bomb. That is what they talk about here: earth-penetrating, bunker-buster nuclear weapons. That means this country would build a nuclear weapon that we could actually use, not to deter someone else from using it, but a nuclear weapon that would be a useful weapon for designer purposes. If you have a bunker that you can't bust, lob over a nuclear weapon.

Here is a picture of what a 100-kiloton nuclear explosion 635 feet underground does at the surface. These are not tiny, little designer nuclear weapons. These are huge explosions.

The explosion shown on this picture was 635 feet underground. Likely, a bunker-buster weapon would be detonated at 50 to 60 feet underground.

The point is this: We have a responsibility in this country, it seems to me, on these policies to exhibit great restraint. We have countries in the world that do have nuclear weapons, and we worry a great deal about them using them. India and Pakistan each have nuclear weapons. They don't like each other very much. There have been moments when we have been very concerned about the command and control of nuclear weapons in some other countries.

Our job, at this point, is not to be talking about building new nuclear weapons: low-yield nuclear weapons, bunker-buster, earth-penetrator nuclear weapons, to begin testing nuclear weapons. Our job, it seems to me, is to talk about restraint.

We have all the nuclear weapons we will ever need, well over 10,000, both theater and strategic nuclear weapons. We do not need to be building more. We do not need to talk about using nuclear weapons. Those who talk about building specific-use nuclear weapons and saying there is a use for actual employment of nuclear weapons in conflict, that is not, in my judgment, in the long-term interests of this world or this country. I hope we will exhibit much more restraint than that.

I know some will say: Well, we are simply beginning research on some of these issues. I say we do not need to research earth-penetrating, bunker-buster nuclear weapons. That is not in our country's interest, with due respect.

What we ought to do is to exhibit every ounce of energy that we can and that we have to try to stop the spread of nuclear weapons, so that, God forbid, other countries do not acquire nuclear weapons, and then begin to work to reduce the number of nuclear weapons around the rest of the world.

I know the amendment that will be offered by my colleague Senator FEINSTEIN, this afternoon, will be controversial and will be debated. I respect people who do not share my own opinion on this issue, but I feel very strongly that the only conceivable future for nuclear weapons—for my children and grandchildren and yours—is to try to prevent nuclear weapons from ever again being used. That is the only thoughtful and conceivable future that will not address the future of this world in a very negative way.

We must use our leadership capabilities. We are a great country and a mighty country. We must use our capabilities to persuade others that the use of nuclear weapons is not something that is thinkable or conceivable. We must exert every energy to stop the spread of nuclear weapons to so many others who want to obtain them in a way that would be destructive to our long-term interests.

I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 2:30 p.m. having arrived, the Senate will resume consideration of H.R. 2754, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, when we called this bill up, we called up the House version. I ask unanimous consent that all after the enacting clause be stricken, the text of Calendar No. 213, S. 1424, the Senate committee-reported bill, be inserted in lieu thereof; the bill, as amended, be considered as original text for the purpose of further amendments; provided that no points of order be waived by reason of this agreement.

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

Mr. DOMENICI. Mr. President, as I understand it, the energy and water appropriations bill, as reported out unanimously by the subcommittee and Committee on Appropriations, is pending. One amendment—there may be others—we are awaiting is a Feinstein, et al., amendment to be offered and debated. I don't believe it serves any purpose for the Senator from New Mexico to discuss the issue until the amendment is offered. As a consequence, I am going to yield the floor and put in a quorum call, with the full understanding that Senator FEINSTEIN intends to offer shortly her amendment. And from what I understand, an hour later, at about 3:30, the distinguished Senator from Massachusetts, Mr. KENNEDY, is going to speak in support of the Feinstein amendment. In between those, I will speak, and there may very

well—either this afternoon before we recess and go into morning business, or early in the morning—be other Senators on either side who might want to speak to this issue. I am not totally aware of that.

It is not the intention of the Senator from New Mexico that we go on indefinitely. This is a well-known amendment. We voted on something like it already once. But this is different in some respects. It is appropriations. So in that context, it is actual money instead of authorizing.

Having said that, everyone should now know the bill that is pending is the Senate-reported energy and water bill. All of you who had water projects that you asked about, you can have your staff look to see if you were successful. We have attempted to advise most of you. I can say that to the extent we have had to be arbitrary because of a shortage of money, it has principally been when we have somebody asking for a new authorization. We haven't been able to do that in this bill. With respect to the Corps of Engineers, the Bureau of Reclamation, we haven't started any new programs. So if you asked us for that, you may say: Gee, they didn't treat me right. It may be that you have to come and ask, and that is the reason. It is not a new authorization.

We have tried our very best to do what we could with a shortage of money in the Corps, which I have already explained to the Senate. I explain it every year. We could pull the record player out and repeat it because every year Presidents do the same thing. They leave out projects, and they don't put in enough money. And then we come along and we have the most desired projects of all because if you are chairman Senators stuff your pockets with requests. They come in saying: Please help with this. It is a little project in my State. But it seems as though we are the only ones who understand how important these little projects are to Senators. It doesn't seem as though the administration—this one, other ones—thinks it is very important.

They are not all in here. But a few more than the President was able to put in are here in this bill. So please look. And if you have any complaints, bring them to us. We will do our best. We will even explain to you, if we turned you down, that it is a new project. We will explain what that means and why we have no alternative. When we can't pay for the ones we have, we can't be adding any new ones.

I note the presence of the Senator from California. Whether she desires to offer the amendment is up to her. I yield the floor at this time.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1655

Mrs. FEINSTEIN. Mr. President, I thank the chairman of the committee. There should be no doubt in anyone's mind that this administration is reopening the nuclear door. They are doing this to develop essentially a new generation of nuclear weapons. They call them low yield. It is contained in words such as ''advanced concepts.'' Essentially, they are battlefield tactical nuclear weapons.

This latest Defense authorization bill reversed the Spratt-Furse amendment which had existed for 10 years and had prohibited the development of low-yield nuclear weapons. So for 10 years there was a prohibition on this reopening of the nuclear door.

With this year's Defense authorization bill, that went down the tubes. Now we see in this Energy appropriations bill money to move along in the development and the research of these weapons.

What is interesting to me is when you ask these questions in committee, as I did of Secretary Rumsfeld—and I will get to that—what we hear is: Oh, it is just a study.

In fact, last year, $14 million was appropriated for the study. It is more than just the study. It is the study and development.

I rise today to send an amendment to the desk on behalf of myself, the Senator from Massachusetts, Mr. KENNEDY; the Senator from Rhode Island, Mr. REED; the Senator from New Jersey, Mr. LAUTENBERG; the Senator from Oregon, Mr. WYDEN; and the Senator from Wisconsin, Mr. FEINGOLD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. KENNEDY, Mr. REED, Mr. LAUTENBERG, Mr. WYDEN, and Mr. FEINGOLD, proposes an amendment numbered 1655.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds for Department of Energy activities relating to the Robust Nuclear Earth Penetrator, Advanced Weapons Concepts, modification of the readiness posture of the Nevada Test Site, and the Modern Pit Facility, and to make the amount of funds made available by the prohibition for debt reduction)

After section 503, insert the following:

SEC. 504. (a) REDUCTION IN AMOUNT AVAILABLE FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.—The amount appropriated by title III of this Act under the heading ''ATOMIC ENERGY DEFENSE ACTIVITIES'' under the heading ''NATIONAL NUCLEAR SECURITY ADMINISTRATION'' under the heading ''WEAPONS ACTIVITIES'' is hereby reduced by $21,000,000, with the amount of the reduction to be allocated so that—

(1) no funds shall be available for the Robust Nuclear Earth Penetrator; and

(2) no funds shall be available for Advanced Weapons Concepts.

(b) PROHIBITION ON USE OF FUNDS FOR CERTAIN MODIFICATION OF READINESS POSTURE OF NEVADA TEST SITE.—None of the funds appropriated or otherwise made available by this Act for the Department of Energy may be obligated or expended for the purpose of modifying the readiness posture of the Nevada Test Site, Nevada, for the resumption by the United States of underground nuclear weapons tests from the current readiness of posture of 24 months to 36 months to a new readiness posture of 18 months or any other readiness posture of less than 24 months.

(c) PROHIBITION ON USE OF FUNDS FOR SITE SELECTION OF MODERN PIT FACILITY.—None of the funds appropriated or otherwise made available by this Act for the Department of Energy may be obligated or expended for the purpose of site selection of the Modern Pit Facility.

(d) REDUCTION OF PUBLIC DEBT.—Of the amount appropriated by this Act, $21,000,000 shall not be obligated or expended, but shall be utilized instead solely for purposes of the reduction of the public debt.

Mrs. FEINSTEIN. Mr. President, I am very concerned that through a policy of unilateralism and preemption, combined with the creation of new nuclear weapons, we may very well be encouraging the very nuclear proliferation we seek to prevent. It seems to me that pursuing the development of new tactical battlefield nuclear weapons not only lowers the threshold for possible use but also blurs the distinction between nuclear and nonnuclear weapons.

The amendment I have just sent to the desk essentially in many ways mirrors what the House of Representatives has done. Much to the credit of Chairman HOBSON, the House of Representatives has deleted this funding. I believe very strongly the Senate should follow.

The amendment I proposed would strike $15 million for the study of the development of the robust nuclear earth penetrator and $6 million in funding for advanced nuclear weapons concepts, including the study for development of low-yield weapons—these are battlefield tactical nuclear weapons—and it would prohibit spending—this is where it is a little different in the Senate version than in the House version—in the 2004 year to increase the Nevada Test Site's time to test readiness posture from the current 24 to 36 months to 18 months. The House actually cut the 24 $8 million. We fence it for this year.

Secondly, it would implement site selection for the modern pit facility. The House cut $12 million. We would delay it for 1 year.

The House also redirected the savings from this bill for water projects. We essentially use the money for deficit reduction. By seeking to develop a new generation of 5-kiloton, or below, tactical nuclear weapons, which produce smaller explosions, the administration is suggesting we can make nuclear weapons less deadly. It is suggesting we can make them more acceptable to use. Neither is true.

By seeking to develop a robust nuclear earth penetrator, the administration seems to be moving toward a military posture in which nuclear weapons are considered just like other weapons—like a tank, a fighter aircraft, or a cruise missile. By seeking to speed up

the time to test requirement for the Nevada Test Site, the administration is taking us down a road that may well lead to the resumption of underground nuclear testing, overturning a 10-year moratorium. By seeking to move forward with the modern pit facility, the administration appears to be seeking to develop a facility that will, in 1 year, allow the United States to produce a number of plutonium pits that exceeds the entire current arsenal of China.

Given that the United States has a robust pit stockpile and plans for a facility that will be able to produce an adequate number of replacement pits in the coming years, questions must be asked as to why a facility like the modern pit facility is necessary, and why now? What sort of message is the United States sending to the rest of the world, at a time when we are trying to discourage others from developing their own nuclear arsenal, by our taking this action? We say to North Korea, you cannot do this. We say to Iran, you cannot do this. Yet we set a precedent whereby countries such as Pakistan and India—each with their own indigenous nuclear capability, each diehard enemies—may well take the example and say: If they can do it, we can do it. We should start our own advanced concepts program.

I deeply believe the combined impact of studies or development of new nuclear weapons enhancing the posture of our test sites and developing a new plutonium pit facility could well have the result of leading these other nuclear powers and nuclear aspirants to resume or start testing and to seek to enlarge their own nuclear forces—action that would fundamentally alter future nonproliferation efforts and undermine our own security. Instead of increasing it, it will undermine it.

The House of Representatives had the foresight to realize that going down this path was not in the best interest of the United States national security. I truly hope this Senate will respond and do the same. I cannot say enough good things about Chairman HOBSON. I have had the privilege of working with him on MilCon, and I think he has shown dramatic courage, spunk, individualism, good thinking, and solid common sense.

Nearly 60 years ago, our world was introduced to nuclear weapons. I was 12 years old when the Enola Gay left our shores. I saw a 15-kiloton bomb destroy Hiroshima. It killed up to 140,000 people—just that bomb killed 140,000 people. A 21-kiloton bomb then destroyed Nagasaki, killing 80,000 people. Two bombs, 220,000 people dead, and the largest pattern of destruction the world has ever seen—just look at it on this photo.

For the decades that followed, we saw a standoff between the United States and the Soviet Union with armadas of nuclear weapons, many of which remain today. They are targeted at each other's cities even right this very minute. We have seen other nations become nuclear powers—the United Kingdom, France, China, India, Pakistan. And others—like I said, Iran and North Korea clearly have nuclear aspirations. But after decades of steady progress, our efforts against nuclear proliferation have also produced a number of dividends. Nuclear-capable states, like South Africa, Brazil, Argentina, South Korea, Taiwan, Japan, the Ukraine, Belarus, and Kazakhstan have either forgone developing nuclear weapons or, like the States of the former Soviet Union, given up the weapons they possessed. China has recently signaled it might be willing, finally, to sign onto the comprehensive test ban treaty. When U.S. policy can urge others to act responsibly, the world is a far safer place and the United States is safer as well.

As we continue to prosecute the war on terror, it should be a central tenet of the U.S. policy to do everything at our disposal to make nuclear weapons less desirable, less available, and less likely to be used. This does just the opposite.

This administration appears to be looking for new ways to use our nuclear advantage, to restructure our force so nuclear weapons are more ''usable.'' That sends a very troubling message to others who might also aspire to obtain or use nuclear weapons.

Let me just quote a Pentagon spokesperson in saying this:

> This administration is fashioning a more diverse set of options for deterring the threat of weapons of mass destruction. That is why the administration is pursuing advanced conventional forces and improved intelligence capabilities. A combination of offensive and defensive and nuclear and nonnuclear capabilities is essential to meet the deterrence requirements of the 21st century.

I profoundly disagree. If the most potent conventional military on Earth cannot meet the challenges without new nuclear weapons, it is a tragedy indeed. The administration's own nuclear posture review, released in January of 2002, did not focus solely on the role of nuclear weapons for deterrence. It stressed the importance of actually being prepared to use nuclear weapons. In fact, the review noted we must now plan to possibly use them against a wider range of countries.

To that end, I would like to put into the record a New York Times article by Michael R. Gordon, dated March 9. I ask unanimous consent that it be printed in the RECORD following my comments.

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

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, in addition, the nuclear posture review said we need to develop new types of weapons so we can use them in a wider variety of circumstances and against a wider range of targets, such as hard and deeply buried targets, or to defeat chemical and biological weapons. Even the New York Times suggests we would even consider a first strike against a nonnuclear country if that country possessed biological or chemical weapons.

It seems clear that this administration is no longer focused solely on the role of nuclear weapons for deterrence. Rather, the new triad proposed by the administration has grouped nuclear and conventional weapons together on a continuum, believing each has an equal role on the battlefield.

During the cold war, the nuclear triad consisted of air, land, and sea nuclear forces—bombers, ALBMs, ICBMs and SLBMs. The new triad consists of offensive strike forces, missile defense—which has yet, incidentally, been shown to work—and a responsive infrastructure to support the forces. Strategic nuclear forces are combined dangerously, in my view, with conventional strike capabilities in the offensive leg of the new triad.

This new triad represents a radical departure from the idea that our strategic nuclear forces are primarily intended for deterrence, not for offense as the new triad proposes.

In a few months, after issuing the Nuclear Posture Review, President Bush signed National Security Presidential Directive 17 indicating the United States might use nuclear weapons to respond to a chemical or biological attack. I find the Nuclear Posture Review and NSPD–17 deeply disturbing.

Some have maintained we don't need to concern ourselves too much with these documents because they are merely intellectual exercises. In fact, at a hearing of the Defense Appropriations Subcommittee in May, I asked Secretary Rumsfeld about where the administration was going on these issues. He responded, in essence, that there was nothing to be concerned about because current research to develop nuclear weapons is just a study. But the fact is, the administration has begun to take concrete steps toward developing new classes of nuclear weapons. In fact, the administration's statement of policy for the fiscal year 2004 Defense authorization bill may well have been more honest than intended. This is the statement of administration policy:

> The administration appreciates the Senate Armed Services Committee's continued support of our national defense and support for critical research and development for low-yield nuclear weapons.

As Fred Celec, the Deputy Assistant Secretary for Defense for Nuclear Matters, stated: If a hydrogen bomb can be successfully designed to survive a crash through hard rock or concrete and still explode, ''it will ultimately get fielded.''

That is his statement: If a hydrogen bomb can be successfully designed to survive a crash through hard rock or concrete and still explode, ''it will ultimately get fielded.''

That is where we are going, Mr. President. I believe it is in this context that we must view the funding requests in this bill.

This is not an esoteric funding request. I don't believe it is just a study. I believe it is the second step in the study and in the development of these so-called advanced nuclear concepts of moving up test readiness, of building a huge modern pit facility. The legislation before us today contains funding to start that process of developing this next generation of nuclear weapons, clear and simple.

I strongly support a robust military, and our safety interests and our security interests should be protected, but I believe we are going to make our Nation and our allies less secure, not more, if the United States opens the door to the development, testing, and deployment of new tactical and low-yield nuclear weapons.

I think there are several things wrong with the logic which suggests that using these weapons is acceptable. First, using nuclear weapons, even small ones, will cross a line that has been in place for 60 years. I don't want to be a Member of the Senate who crosses that line and has to explain to my five grandchildren why I voted to sanction a new generation of nuclear weapons, whether it is a robust earth penetrator or whether it is a tactical battlefield weapon, because you cannot protect from the radiation. What grandmother or mother wants to send their son or daughter on to a battlefield with tactical nuclear weapons? Sixty years of history is in the process of being reversed.

It was the Secretary of State, GEN Colin Powell, who wrote in his autobiography about possibly using tactical nuclear weapons in Europe to thwart a Soviet invasion. Let me read what he said. He wrote:

> No matter how small these nuclear payloads were, we would be crossing a threshold. Using nukes would mark one of the most significant political and military decisions since Hiroshima.

That is what we are doing, I say to my colleagues—one of the most significant decisions since Hiroshima—and his statement in his book is just as true today.

Second, I wish to speak for a moment about the fact that there is no such thing as a clean or usable nuclear bomb. According to Stanford University physicist, Dr. Sidney Drell, the effects of a small bomb would be dramatic. A 1-kiloton weapon detonated 20 to 50 feet underground—1 kiloton detonated 20 to 50 feet underground—would dig a crater the size of Ground Zero and eject a million cubic feet of radioactive debris into the air. This chart shows 1 kiloton at 30 feet and it will eject a million cubic feet of radioactive debris into the air.

A low-yield weapon would have very little utility in trying to destroy a deeply buried underground bunker. Given the insurmountable physics problems associated with burrowing a warhead deep into the earth, destroying a target hidden beneath a thousand feet of rock will require a nuclear weapon of almost 100 kilotons. That is 10 times the size of the bomb dropped on Hiroshima.

As this chart shows, if a bunker buster were able to burrow into the earth to reach its maximum feasible depth—that is about 35 feet—it still would not be deep enough to contain a bomb with an explosive yield of only .2 kilotons, 75 times smaller than the bomb that exploded over Hiroshima, let alone a 100-kiloton bomb.

Let me make the point. To destroy a typical bunker or another underground target, such as a chemical or biological weapons facility, you would need to burrow down at least 800 feet, which is not physically possible, or detonate a 100-kiloton weapon whose fallout and destruction belie the idea that an antiseptic nuclear weapon can be developed. Anything short of that would not contain the fallout.

A fireball would break through the surface, scattering enormous amounts of radioactive debris—1.5 million tons for a 100-kiloton bomb—into the atmosphere. As this map of the Korean peninsula shows, just the path fallout, with travel in typical weather, would place both South Korea and Japan in severe danger while placing millions of innocent people at risk if a nuclear bunker buster were to be used in North Korea. We can see it used at this point. We can see the path of fallout. It is devastating.

Ultimately, the depth of penetration of the robust nuclear earth penetrator is limited by the strength of the missile casing. The deepest our current earth penetrators can burrow is 20 feet of dry earth. Casing made of even the stronger material cannot withstand the physical forces of burrowing through 100 feet of granite, much less 800 feet.

I believe it is deeply flawed to argue, as some robust nuclear earth penetrator proponents do, that because it would penetrate the earth before detonating, it would be a clean weapon. It will not be.

In fact, far more than the added explosive power a nuclear weapon provides, the most important factor in destroying a deeply buried target is knowing exactly where it is. Someone is not going to drop a bomb such as a robust nuclear earth penetrator unless they know exactly where the target is. If they know exactly where the target is, there are other things that can be done. It can be destroyed with conventional weapons. Access to it can be prevented by destroying entrances, cutting off electricity, cutting off air ducts. Cutting off a bunker in this way renders it useless just as effectively as destroying it with a nuclear blast.

The fact is that our intelligence is weak. So I very much doubt we are going to be throwing around bunker busters of 100 kilotons that are nuclear with this fallout spread when we really do not know, among the tens of thousands of holes the North Koreans have in the ground, exactly what is what.

Thirdly, the development of new low-yield nuclear weapons could lead—and this is where we are going—to the resumption of underground nuclear testing in order to test the new weapons. This would overturn the 10-year moratorium on nuclear testing. So we are changing 60 years of history. We are overturning a 10-year moratorium. This could lead other countries to resume or start testing, actions that would fundamentally alter future nonproliferation and counterproliferation efforts.

The March 2003 Arms Control Today points out an interesting thing:

> In 1995, many of the world's nonnuclear states made it clear their continued adherence to the NPT was contingent on the cessation of all nuclear-yield testing. . . . A decision to resume testing to build low-yield nuclear weapons could deal the regime a fatal blow while providing the United States a capability of questionable military value.

This is where we are going with this bill. We are moving up test readiness from 24 to 30 months to 18 months. So inherent in this bill is the beginning of expedited testing, overturning 60 years, going against the nonproliferation treaty, which will then encourage other nations to do the same, and beginning testing once again.

According to the 2003 Report to Congress on Nuclear Test Readiness, 18 months is the minimum time necessary to prepare a test once a problem is identified. Yet even during the cold war when tests were ongoing on a regular basis, the Nuclear National Security Agency found that it required 18 to 24 months to design and field a test with full diagnostics.

As purely a technical matter, 18 months is also an extremely short timeframe for test readiness. So why are we doing it? Why are we doing it now with no pressing need? Why is the administration pushing so hard for the absolute minimum time necessary to conduct a test?

This tells me exactly where this administration is going. Even putting aside the concern I have about the message that the United States moving ahead with test readiness sends to the rest of the world, this short time period may well not be technologically feasible.

In an op-ed in the Washington Post on July 21, Secretary of Energy Spencer Abraham said this:

> We are not planning to resume testing; nor are we improving test readiness in order to develop new nuclear weapons. In fact, we are not planning to develop any new nuclear weapons at all.

Then what are we doing this for? Fourteen million dollars last year, $50 million this year, a $4 billion modern pit facility program over 10 years. What are we doing it for? I think what the Secretary did by these comments is really an injustice in terms of casting a web over these moves that is not credible.

I can only deduce that despite all the ''this is just a study'' rhetoric, there is an intention to test, and this administration is reopening the nuclear door

to develop a new generation of tactical battlefield nuclear weapons, and I do not want to be a part of it.

In fact, in a September 3 interview, Fred Celec stated:

> If you say, I've got to go to design a new nuclear weapon . . . you probably will have to have a nuclear test.

Likewise, I have serious concerns about the intentions behind the funds included in this bill for work on the modern pit facility. As I have said, the modern pit facility is the administration's proposed $4 billion plan where new plutonium pits for nuclear weapons will be fabricated. This facility, when completed, would be able to produce 250 to 900 plutonium pits per year.

To put this in perspective, if the proposed modern pit facility operated at half of its capacity, it could equal or exceed China's entire new nuclear arsenal in 1 year. This production would be in excess of our current inventory of 15,000 plutonium pits.

What does this say to other nations? What does this say to China? What does it say to Iraq? What does it say to Iran, Pakistan, India, or any other nation? What does it say to North Korea?

At a time when we should be lessening our reliance on nuclear weapons and lessening the amount of fissile material available which might fall into the hands of terrorists, encouraging other countries in the world to do likewise by following our example, why do we need this new production capability?

The Department of Energy has already begun a separate $2.3 billion pit fabrication and plutonium chemistry complex at Los Alamos, which will begin producing 20 pits per year in 2007 and can be equipped and enlarged to produce as many as 150 pits per year. So what do we need this for? No one has answered that question.

With the current age of our stockpile pits averaging 19 years, and the Department of Energy estimating a pit minimum lifetime to be 45 to 60 years, with no ''life-limiting factors'' being identified, why put our Nation $4 billion further into debt by creating additional capacity for plutonium pits we don't need? We can't find anything that indicates why we need these additional plutonium pits. As I said, we already have a $2.3 billion program to produce 20 pits that can go up to 150 pits. Are we going into some kind of enormous program that we don't know about?

The House report language in their version of the energy and water bill put it this way:

> It appears to the Committee that the Department is proposing to rebuild, restart, and redo and otherwise exercise every capability that was used over the past 40 years of the cold war, and at the same time prepare for a future with an expanded mission for nuclear weapons. Nothing in the past performance of NNSA convinces this Committee that the successful implementation of the Stockpile Stewardship Program is a foregone conclusion, which makes the pursuit of a broad range of new initiatives premature.

This was just written. This was considered by the House of Representatives, and the House of Representatives had the guts to take it out of the bill. So this amendment would put in place a 1-year stay. It is a little different from the House bill. It would put in place a 1-year stay on site selection for the modern pit facility. If the administration can come forward with a convincing rationale and plans in a year, we can revisit this issue. But until then, we should not be supporting this new initiative.

Today, America's current conventional and nuclear forces vastly overpower those of any other nation. So for me, it is difficult if not impossible to reconcile building a multibillion-dollar nuclear bomb factory, which is what this is, as we preach the importance of limiting proliferation and preventing other nations from developing weapons of mass destruction. And, if I may say so, it is hypocritical. It is hypocritical; we say one thing to others and we do an entirely different thing ourselves. If that is not hypocrisy, I don't know what is.

Under the Nuclear Non-Proliferation Treaty, nuclear weapon states are committed to halting so-called vertical proliferation. That means they are prohibited from increasing their nuclear stockpiles. They are prohibited. The purpose is to encourage other nations to halt horizontal proliferation, whereby more and more nations become nuclear capable. That is what the NPT is trying to do. They are trying to stop it, and we are doing exactly the opposite. If our country goes down the road of developing and bringing the modern pit facility on line, we will effectively undermine the nonproliferation treaty.

I know the Bush administration doesn't like it. I know they don't attend meetings. I know we are now on a big unilateral binge, where we know better than anybody else. But this is for our children and our grandchildren. Perhaps more than any other this represents the country we try to be and the country we are going to be.

I think with this legislation, and by going down this path, we undermine the nonproliferation treaty. Maybe that is what they want to happen. And by our example we create an incentive and we present a challenge to others with nuclear aspirations to develop them.

I don't know whether that is the intention. We know ballistic missile defense does the same thing. I think we are seeing, in Iraq, where unilateralism is not working. We have before us an $87 billion supplemental which will bring the cost of the war to about $166 billion so far. Yet we are starting a whole new nuclear program.

I guess why I don't like it, most of all, is it is all done under the guise of study, of development. The facts are never really put on the table. It just kind of happens. Then some get kind of ''suckered'' into it, if I can use that word, because of the economics of doing it in this State or that State or competing for it.

We need to begin to think what we are competing for. I don't want us to compete for something that is going to encourage China to begin nuclear weapons production or begin testing. I don't want to encourage something that is going to say to Pakistan and India: We developed tactical battlefield nuclear weapons. Look at our example. That is what we are doing and we don't see it.

Finally, to those who argue that the United States needs new weapons for new missions, I should point out that the United States already has a usable nuclear bunker buster, the B61–11, which has a dial-to-yield feature, allowing its yield to range from less than a kiloton to several hundred kilotons. When configured to have a 10-kiloton yield and detonated 4 feet underground, the B61–11 can produce a shock wave sufficient to crush a bunker buried beneath 350 feet of layered rock.

If, indeed—I don't think there is—but if there is a legitimate military mission for these kinds of weapons, the experts tell us we already have one. We don't need new nuclear weapons. On the other hand, the U.S. military, the strongest and most capable military force the world has ever seen, has plenty of effective conventional options designed to penetrate deeply into the earth and destroy underground bunkers and storage facilities. These range in size from 500 pounds to 5,000 pounds, and most are equipped with either a laser or a GPS guidance system. The 5,000-pound bunker buster, like the guided bomb unit 28/B, is capable of penetrating up to 20 feet of reinforced concrete, or 100 feet of earth.

The GBU–28 was used with much success in Operation Enduring Freedom in Afghanistan.

Other conventional bunker busters were used to take out Saddam Hussein's underground lairs in Operation Iraqi Freedom. In fact, the U.S. military possesses a conventional bunker buster—the GBU–37—which is thought to be capable of taking out a silo-based ICBM.

I only wish that instead of beginning the research and development of a new generation of weapons, this administration would lead efforts to prevent nuclear development and prevent the spread and delegitimize the use and utility of nuclear weapons. Oh, how I wish they would. Instead, with these appropriations a new nuclear arms race will begin. Let there be no doubt. I know it as sure as I am standing here now. I know it from the judgment of past history. I know how difficult it has been. I know just how difficult it was to reach agreements with the Soviet Union to begin to ratchet down the nuclear arsenal of both of our countries. We will be dealing with governments far more difficult to deal with than the Soviet Union, like those typified by North Korea.

If we appropriate these dollars, we can expect that other nations will follow, that a new nuclear race will begin to develop, and the chance that one day, somehow, some way they will be used against us. Those chances are clear. Let there be no doubt.

As the Economist concluded in its May 17 issue:

> In their determination to leave no weapons avenue unexplored [the administration] is proposing to lead America along a dangerous path.

This is why our amendment seeks to strike the funding in this bill for the development of the robust nuclear earth penetrator and the other so-called advanced concepts—I hate calling nuclear weapons ''advanced concepts''—including low-yield weapons, and to limit the funding for enhanced test readiness and the modern pit facility.

Right now our country is spending well over $400 billion on defense. Next year we will spend more on our military than all of the other 191 nations on the planet combined. If we can't protect ourselves without thinking about nuclear weapons, who can? Who can? We spend more than 191 nations combined—all of the other nations on Earth. Yet the proposal is that we reopen the nuclear door and begin a new generation of nuclear weapons.

I think once again we will see rogue states basically conclude that they will be safe from the United States only if they develop their own nuclear weapons quickly. I think that is exactly what is happening in North Korea, which has responded to the Bush administration's aggressive posture by claiming that only a ''tremendous military deterrent'' will protect it from the United States. Now Iran is following suit. Will we encourage India and Pakistan to develop tactical nuclear weapons as well?

Indeed, by seeking to develop new nuclear weapons ourselves, we send a message that nuclear weapons have a future battlefield role and utility. This is the wrong message. It takes us in the wrong direction. In my view, it will cause Americans to be placed in greater jeopardy in the future.

We are telling others not to develop nuclear weapons and not to sell fissile materials, but we continue to study and design new nuclear weapons ourselves. Again, ''hypocrisy.''

I urge my colleagues to support this amendment. The House has totally eliminated the money. We don't do exactly that. We eliminate some and we fence others. We delay the pit facility for 1 year. We don't use the money for water projects, and we don't use it for deficit reduction.

I urge my colleagues to support this amendment. I urge them to realize that we are at a historic turning point. It may well be that people do not remember the Enola Gay, they don't remember Hiroshima, they don't remember Nagasaki, and they don't remember that 220,000 people were killed instantly in both of those strikes. They don't remember Chernobyl and what radioactive fallout does to people.

I see this as a very historic vote. The way is carved for us by the House of Representatives. They have eliminated funding. They have done what is right. I hope we follow suit.

I yield the floor.

EXHIBIT 1

[From the New York Times, March 10, 2002]

U.S. NUCLEAR PLAN SEES NEW TARGETS AND NEW WEAPONS

(By Michael R. Gordon)

Outlining a broad overhaul of American nuclear policy, a secret Pentagon report calls for developing new nuclear weapons that would be better suited for striking targets in Iraq, Iran, North Korea, Syria and Libya.

The Nuclear Posture Review, as the Pentagon report is known, is a comprehensive blueprint for developing and deploying nuclear weapons. While some of the report is unclassified, key portions are secret.

In campaigning for office President Bush stressed that he wanted to slash the number of nuclear weapons and develop a military that would be suited for the post-cold war world.

The new Pentagon report, in fact, finds that non-nuclear conventional weapons are becoming an increasingly important element of the Pentagon arsenal. But the report also indicates that the Pentagon views nuclear weapons as an important element of military planning.

It stresses a need to develop earth-penetrating nuclear weapons to destroy heavily fortified underground bunkers, including those that may be used to store chemical and biological weapons. It calls for improving the intelligence and targeting systems needed for nuclear strikes and argues that the United States may need to resume nuclear testing.

The New York Times obtained a copy of the 56-page report. Elements of the report were reported today by the Los Angeles Times.

One of the most sensitive portions of the report is a secret discussion of contingencies in which the United States might need to use its ''nuclear strike capabilities'' against a foe.

During the cold war, the United States used nuclear weapons to deter a Soviet attack on Western Europe.

But now, the Pentagon report says, the nation faces new contingencies in which nuclear weapons might be employed, including ''an Iraqi attack on Israel or its neighbors, or a North Korean attack on South Korea or a military confrontation over the status of Taiwan.'' Another theme in the report is the possible use of nuclear weapons to destroy enemy stocks of biological weapons, chemical arms and other arms of mass destruction.

Pentagon and White House officials turned down repeated requests for interviews on the report. The Pentagon issued a statement this evening noting that the purpose of the review was to analyze nuclear weapons requirements, not to specify targets.

''It does not provide operational guidance on nuclear targeting or planning,'' the Pentagon statement said. ''The Department of Defense continues to plan for a broad range of contingencies and unforeseen threats to the United States and its allies. We do so in order to deter such attacks in the first place.''

''This administration is fashioning a more diverse set of options for deterring the threat of weapons of mass destruction,'' the Pentagon statement continued. ''That is why the administration is pursuing advanced conventional forces and improved intelligence capabilities. A combination of offensive and defensive, and nuclear and non-nuclear capabilities is essential to meet the deterrence requirements of the 21st century.''

Critics responded to the report by complaining that the Bush administration was not only pushing for the development of new types of nuclear weapons, but broadening the circumstances in which they might be used.

''Despite their pronouncements of wanting to slash nuclear arms, the Bush administration is reinvigorating the nuclear weapons forces and the vast research and industrial complex that support it,'' said Robert S. Norris, a senior research associated at the Natural Resources Defense Council and an expert on nuclear weapons programs. ''In addition the Bush administration seems to see a new role for nuclear weapons against the 'axis of evil' and other problem states.''

Classified versions of the report were provided to Congress in January but the disclosure now could become a public relations problem for vice President Dick Cheney, who is scheduled to leave on Sunday for a 10-day trip to Britain and Middle Eastern countries. The disclosure of the administration's ambitious nuclear plans is likely to spark criticism from European groups that have long supported more traditional approaches to arms control. Middle Eastern leaders may be alarmed to learn that the Pentagon sees Iraq, Iran, Syria and Libya as potential nuclear battlegrounds.

One of the most sensitive portions of the report is its discussion of countries that do not have nuclear arms. Recalling the Cuban missile crisis, the report noted that the United States might be caught by surprise if an adversary suddenly displayed a new ability involving weapons of mass destruction or it a nuclear arsenal changes hands as a result of a coup in a foreign land.

''In setting requirements for nuclear strike capabilities, distinctions can be made among the contingencies for which the United States must be prepared,'' the Pentagon report states. ''Contingencies can be categorized as immediate, potential or unexpected.''

''North Korea, Iraq, Iran, Syria and Libya are among the countries that could be involved in immediate, potential or unexpected contingencies,'' it added. ''All have long-standing hostility toward the United States and its security partners; North Korea and Iraq in particular have been chronic military concerns.''

It said, ''All sponsor or harbor terrorists, and all have active'' programs to create weapons of mass destruction and missiles.

Among Iraq, Iran, Syria or Libya none has nuclear weapons, though Iraq and Iran are making a serious effort to acquire them, according to American intelligence.

American intelligence officials believe that North Korea may have enough fissile material for one or two nuclear weapons, but there is considerable debate as to whether it has actually produced one.

Significantly, all of those countries have signed the Nuclear Nonproliferation Treaty. Washington has promised that it will not use nuclear weapons against non-nuclear weapon states that have signed the Nuclear Nonproliferation Treaty unless those countries attack the United States or its allies ''in alliance with a nuclear weapon state.''

The policy was intended to discourage outsider nations from seeking to develop nuclear weapons. But conservatives argue that Washington should be able to threaten the use of nuclear weapons as a way to deter one state from attacking the United States with chemical or biological weapons.

Earlier this month, Richard Boucher, the State Department spokesman, repeated the policy but then added that ''if a weapon of mass destruction is used against the United States or its allies, we will not rule out any specific type of response.'' His qualified statement along with the Pentagon report raises the question of whether the Bush administration still plans to abide by the longstanding policy.

One former senior American officials said that the development of new weapons to attack non-nuclear states would not in itself contradict American policy since it would be no more than a contingency. But using them would contradict the policy, he said, unless the nations violated their commitments to the Nuclear Nonproliferation Treaty by developing nuclear weapons.

''I would not say that developing a bunker-busting nuclear weapon for use against these countries would by itself violate that pledge,'' the former American official said. ''But using nuclear against them would unless they violated their assurance by acquiring nuclear weapons.''

The Pentagon report discussed other contingencies as well. The report stated that China is also a potential adversary and is modernizing its nuclear and conventional forces. While Russia has the most formidable nuclear force, the report took the view that relations with Moscow have vastly improved.

''As a result, a contingency involving Russia, while plausible, is not expected,'' the report states. Still, the report said that the United States cannot be sure that relations with Russia will always be smooth and thus must be prepared to ''revise its nuclear force levels and posture.''

In addition to surveying the potential situations in which nuclear weapons might be employed, the report discussed the sort of force that might be needed. The Bush administration has said that it plans to reduce strategic nuclear weapons to between 1,700 and 2,200 warheads, a big reduction from the 6,000 or so nuclear weapons that the United States has now.

Critics of the Bush administration say the cuts are roughly the same as those foreseen by the Clinton administration, which agreed that future strategic arms treaty should reduce nuclear weapons to between 2,000 and 2,500 warheads. While the reductions projected by the Bush administration seem deeper, the Pentagon has changed the rules for counting nuclear weapons and no longer counts bombers or nuclear missile submarines that are in the process of being overhauled.

Adding new detail to previous briefings, the Pentagon says that its future force structure will have the following components. By 2012, the United States will have 14 Trident submarines with two in overhaul at one time. They will be part of a triad that will include hundreds of Minuteman III land-based missiles and about 100 B–52 H and B–2 bombers.

''This will provide an operationally deployed force of 1,700 to 2,200 strategic nuclear warheads and a wide range of options for a responsive force to meet potential contingencies,'' the report says.

But the Pentagon report said that nuclear planning is not merely a question of numbers. The Pentagon also wants to improve existing nuclear weapons and possibly develop new ones.

The report cites the need to improve ''earth-penetrating weapons'' that could be used to destroy underground installations and hardened bunkers. According to a secret portion of the Pentagon study, more than 70 nations now use underground installations. It notes that the only earth-penetrating weapon that exists is that B61 Mod 11 bomb and that it has only a limited ''ground-penetration capability.''

The report argues that better earth-penetrating nuclear weapons with lower nuclear yields would be useful since they could achieve equal damage with less nuclear fallout. New earth-penetrating warheads with larger yield would be needed to attack targets that are buried deep underground. The report said it is very hard to identify such underground targets but that American Special Operations Forces could be used for the mission.

Another capability which interests the Pentagon are radiological or chemical weapons that would be employed to destroy stockpiles of chemical or biological agents. Such ''Agent Defeat Weapons'' are being studied. The report also argues that Washington needs to compress the time it takes to identify new targets and attack them with nuclear weapons, a concept it calls ''adaptive planning.''

In general, the Pentagon report stresses the need for nuclear weapons that would be more easy to use against enemy weapons of mass destruction because they would be of variable or low yield, be highly accurate and could be quickly targeted.

Pentagon officials say this gives the United States another tool to knock out enemy chemical, biological or nuclear weapons. But critics say that the Bush administration is, in effect, lowering the nuclear threshold by calling for the development of nuclear weapons that would be easier to use.

The need to maintain the capability to rapidly expand the American nuclear arsenal in a crisis, such as ''reversal of Russia's present course,'' is also a theme of the report. The Pentagon calls this hedge ''the responsive force.'' The notion that the United States is reserving the right to rapidly increase its nuclear forces has been an important concern for Moscow, which has pressed Washington to agree to binding limits and even destroy some of its warheads.

The Responsive Force, the Pentagon report says, ''retains the option for the leadership to increase the number of operationally deployed forces in proportion to the severity of an evolving crisis,'' the Pentagon report said. As part of this concept, bombs could be brought out of the non-deployed stockpile in days or weeks. Other efforts to augment the force could take as long as a year.

To maintain the nuclear infrastructure a number of steps are planned. The Pentagon says that an ''active'' stock of warheads should be maintained which would incorporate the latest modifications and have the key parts.

The report says that the United States needs a new capability to produce plutonium ''pits,'' a hollow sphere made out of plutonium around which explosives are fastened. When the explosives go off they squeeze the plutonium together into a critical mass, which allows a nuclear explosion. The Pentagon said the production of Tritium for nuclear warheads will resume during the fiscal 2003 year.

Another sensitive political point involves the report's discussion of the United States moratorium on nuclear testing. The Bush administration has refused to ratify the Comprehensive Test Ban treaty, but says it has no plans yet to resume nuclear testing. But the report suggests that it might be necessary to resume testing to make new nuclear weapons and ensure the reliability of existing ones.

''While the United States is making every effort to maintain the nuclear stockpile without additional nuclear testing, this may not be possible in the indefinite future,'' it said.

Mr. DOMENICI. Mr. President, can we get the yeas and nays?

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ALLARD). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I don't know how much time I will take but obviously some amount of time. There are a number of other Senators on our side who wish to speak but I want to speak to this amendment.

First, fellow Americans and friends here, there are a lot of issues that the wonderful Senator from California talked about that deserve some real clarification. There is an inference that we are not interested in nonproliferation and that we are going in the wrong direction. Everybody should know that the United States of America not too many years ago had 40,000 nuclear weapons. We are moving rapidly toward 5,000—40,000 moving rapidly toward 5,000. In fact, both the United States and the former Soviet Union are having difficulty getting rid of what comes out of these nuclear weapons because they are moving so fast. That which is coming out of them is creating proliferation itself because we are moving so rapidly. We do not know what to do with the plutonium that comes out of them. The Russians don't know where to put it. But in terms of getting rid of nuclear weapons, the United States is on a path from 40,000—and I can't give you the classified number but I can tell you it is 5,000 or less.

That is point No. 1.

Point No. 2: The pit—the plural ''pits'' is not a very nice sounding word—is an absolutely necessary incremental part of a nuclear weapon. Without a pit, there is no nuclear weapon—none.

The United States is not engaged in producing new weapons but, rather, is seeing to it that we make sure what we have will work. That is called science-based stockpile stewardship, which means about 6 or 8 years ago we voted to have no more nuclear underground testing. There is nothing in this amendment that says we are going to break that. If it was, we would be up here arguing that we are here to break the agreement that the United States has. The Senate voted, then the House followed, and the President signed. It was Mark Hatfield who offered the amendment. It passed here as a consequence.

We are not involved in underground testing. I repeat: We are not involved.

This amendment would strike a provision—let us take them one at a time—that says over there in Nevada there is a great operation wherein we used to do underground testing. It is huge. It is complex in nature. We said in the Senate when we put our blood on the line, no more testing. That is a vote far from unanimous. We said, we will always keep that Nevada desert test site ready for tests.

Did we say that because we planned a new generation of nuclear weapons? Of

course not. We said that because there is a huge risk to America in the science-based stockpile stewardship as a method of assuring the validity of our nuclear weapons. There are scientists in America who at their own expense would come and tell us it will not work. In a few years, you will not know whether your weapons will work or not. That is why we said, keep Nevada ready.

All this amendment says—and it is high time; we should have done it 4 or 5 years ago—spend a little bit of money, less than $20 million, and begin to make the Nevada Test Site ready so instead of taking 3 years to get it ready for a test, we get it ready in 18 months. That is all it says.

Incidentally, Senator FEINSTEIN, we are both worried about our grandchildren. We probably cannot decide who loves our grandchildren more. At this time in my life, I have twice as many plus three, so if you are worried about your five, I am worried about my 13. But I am clearly not worried that this amendment, the language you are striking, this funding, has any chance of harming my grandchildren. That is an absolute myth.

Does making the Nevada Test Site capable of conducting an underground test ready in 18 months endanger the children of America? Fellow Senators, there is a valid argument it helps the future of our children and America's future to have it ready on 18 months' notice instead of 3 years. That part does not belong in this amendment and should not be stricken. It should be in this bill. We should make Nevada modern so if we need it, we use it, not 3 years after we decide we need a test because we have some idea there is something amiss in some of our weapons which are 35, 40, and 45 years old. Our nuclear weapons are that old. And we are saying, they will work. We used to test them. But now we have these great scientists and the laboratories—two of them in my State—and they are doing it by assimilation. And they are saying, we think they will work.

Then the Senator talks about the planning or a plant to manufacture pits for the nuclear weapons. Fellow Senators, we need to manufacture pits for the weapons we have, not the weapons someone is dreaming we will build. There is nothing in this law that says we will build one additional nuclear weapon. Does the Senator know that every country which has nuclear weapons has spare pits, extra pits, to make sure they will never run short—except one country. This country. We have no spare pits. I don't want to infer it is the end of the world. It is just a fact. For those who think we could make a new nuclear weapon and break all our agreements, they have to know right now we do not have a spare pit to put in a nuclear weapon. And the world knows it.

Senator DOMENICI is not giving any secrets to anyone. It is a truism. For 8 years we have been fooling around with funding at Los Alamos to see if we can make a pit. I regret to say it has been one terribly tough job. I cannot state today—and I know as much as anyone—whether they have produced one that meets all the test requirements. Frankly, it is the only place in America that if tomorrow we said, Get a pit, we need to replace one, one of our nukes needs a new pit, it is the only place to look to. What in the world is wrong with an administration that says the time has come to build a manufacturing center for pits?

The good Senator from California ties it into the fact that she thinks it is for a new generation of nuclear weapons. Where is the authority to build a nuclear weapon? Read this law we are funding and tell me where there is authority to build a new nuclear weapon. This Senate would have to stand up and vote to build a new nuclear weapon. Believe you me, it would be a bigger day of debate than this particular afternoon in the Senate. It would be a red-letter day when the United States sends to the Senate floor a proposal to build more nuclear weapons. And it is not this day. That is not what we are doing. There is not one single word that says we are going to build a new nuclear weapon.

So two proposals the Senator is talking about in this language, the fear for the future and what we are going to do to the world: In building pits for the future we are going to do nothing to the world. They are already wondering why we have not built them. That is what others are wondering. They are asking, What is the matter with America?

We want to begin a plan. I am not sure when they bring the plans that I am going to agree to as big a plant as they want. Maybe we will build a little plant. But this says, begin the planning and designing. It provides not one penny for construction, nor does it decide where this place to build pits will be. Do they need it now? It could wait. But we have been waiting pretty long—for 9 years, maybe 10. The planners ask what is going on, why can't we build one? We keep asking scientists to build it at Los Alamos, but that is not a production center. They do not have the facilities. They have built the facilities and I have seen them. It is more like a science lab than a manufacturing plant. One could say, let them keep doing it that way. I don't like it and I don't think anyone planning for the future thinks it is a very good idea to plan for our future in terms of replacements at Los Alamos.

That leaves the part of this amendment wherein we agreed with the Senate. We already voted in this Senate on these issues. We voted affirmatively in the Senate on these issues in the armed services authorizing bill. We already voted on every one of these issues. The nuclear posture review suggested the credibility of our nuclear deterrence is dependent upon flexibility and adaptive production complexes, ones that would be able to fix safety or performance problems on aging stockpiles as they arise. The Senate bill does that.

The Nuclear Posture Review suggests we should keep our nuclear scientists engaged and thinking about the nuclear stockpile of the future and what it should look like. Might I repeat, the Nuclear Posture Review suggests we should keep our nuclear scientists—the greatest in the world, excited about their work, living at one of three great laboratories—engaged and thinking about what the nuclear stockpile of the future should look like.

It does not commit us to build any new weapons. And there is no money in this bill to build new weapons. Let me repeat, there is no money in this bill to build new weapons. It suggests that our scientists should remain flexible, that we should not have to have them worried all the time whether thinking about certain aspects of a nuclear weapon of the future is a violation of the law or not.

They should be permitted to think about—based upon what we have learned, what we know about both our friends and our enemies and war so far, and what people are creating in the world—they should be able to think and design and posture, but not build a single new weapon, whether it be one the Senator from California talks about in terms of tactical weapons—I do not even know where that comes into this thinking. There is no authority for tactical weapons in this bill, in this money, as the Senator in the chair knows. There was nothing in the authorizing committee that said that.

There is much more to say, but I believe I have done my best, in a few moments, to dispose of the idea that America is on a path that will cause the world to start rebuilding new nuclear bombs in anyone's stockpile to react to our improving the Nevada weapons site. The idea that any country is going to react by saying, ''We are going to go do something now and build more bombs because they are getting Nevada ready,'' is an absurdity. It has no logic to it.

We should never have let it go to 3 years. That is what it takes to get ready to test one there—not test a new one, to test one we have, to test one if science-based stockpile stewardship fails.

I repeat, the other part of it is we do not want to start planning a design for a manufacturing center for pits in an inventory which would then make America have an inventory of spare parts like other countries do instead of being the only one without them.

Now, if you finish those two, and then you argue the one that wants to give these engineers and scientists authority to think about what weapons might look like in the future, you have the whole substance—the cake, the strawberries. Everything that goes with it in this amendment is encapsulated in those three ideas.

Now, I have argued with many Senators. I have been in the Chamber on

many issues. I have respect for some, great respect for others. The Senator from California is among those for whom I have great respect. But in this instance, the conclusions that have been drawn with reference to what is in this bill, and what was proposed by the review people of the United States who review our nuclear posture, are just not so, plain and simple.

I think the Senate should not follow the House. The House, for some reason, decided to spend this money on water projects. That is fine.

I say to the Senator, we would like $40 million more for water projects. But this Senator is not going to prevail and preside over a committee, because we are short of water money, that looks at these projects in the wrong way and then, in the end, says: Well, we will have $21 or $24 million more for you House Members' water projects. Not this Senator. We will put it right here. This is what this money ought to be for.

We are going to vote on this bill. We are going to vote sooner rather than later. Hopefully, Senators will see it like they saw it before. A substantial majority voted yea on the authorizing bill to do this. We came along in an appropriations bill and said: The Senate told us to do this.

We voted for it. So we have done what the Senate asked us to do.

I hope the Senate will say: Having done what we asked you to do, we will leave the money that you put in to do what we asked you to do. We will leave it right there. We won't put it on the debt or put it in water projects. We will put it right where you asked us to put it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, has the Pastore rule run its course?

The PRESIDING OFFICER. It has not.

Mr. BYRD. How long will it require to do so?

The PRESIDING OFFICER. It will run its course at about 5:30.

Mr. BYRD. Five thirty. Very well.

Mr. DOMENICI. I ask the Senator, what was the question? I am sorry, I did not hear it.

Mr. BYRD. I made a parliamentary inquiry of the Chair. It has nothing to do with what you are saying, your argument or hers.

Mr. DOMENICI. OK.

Mr. BYRD. I want to speak on another subject. That is what I want to do.

Mr. DOMENICI. OK.

Mr. BYRD. Mr. President, I have the floor, do I not?

The PRESIDING OFFICER. Yes.

Mr. BYRD. May I inquire of the distinguished Senator from California if she wishes to respond in any way to the Senator from New Mexico?

Mrs. FEINSTEIN. I thank the Senator from West Virginia. I would. But I know Senator KENNEDY has come to speak on this amendment. At an appropriate time—I have made some notes—I would like to respond to him. But I do not want to delay everybody else.

Mr. BYRD. Mr. President, I am going to speak on another subject, and I do not want to interfere with the discussions on this amendment.

Does the Senator from Massachusetts wish to speak on this same subject?

Mr. KENNEDY. Yes, I would like to do so. This is an amendment offered by Senator FEINSTEIN and myself dealing with the development and testing of nuclear weapons.

Mr. BYRD. All right. Does the Senator from Arizona wish to speak on this subject also?

All right.

Mr. President, inasmuch as I have the floor, I would like to propound a unanimous consent request.

The PRESIDING OFFICER. The Senator may proceed with his request.

Mr. BYRD. Mr. President, I ask unanimous consent that when the four Senators on the floor at the moment, other than I, finish their discussions on this amendment, I be recognized. I make that request. Now, what I am saying is, when Senator DOMENICI, when Senator KYL of Arizona, when the Senator from California, Mrs. FEINSTEIN, and the Senator from Massachusetts, Mr. KENNEDY, have finished their colloquies, their discussions, or their statements, that I then be recognized to speak on another subject.

The PRESIDING OFFICER. Is there objection?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, reserving the right to object, let me just talk with the Senator for a moment.

That means I have a chance for rebuttal?

Also, I say to the Senator, I wanted to tell you—I am not sure if you knew—the yeas and nays have been ordered on this amendment, and I assume you are going to debate an issue unrelated to this. How long might we expect you to speak?

Mr. BYRD. I would suspect that my speech would require an hour.

Mr. DOMENICI. An hour?

Mr. BYRD. Yes, sir.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have no objection.

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

Mr. BYRD. I thank the Chair and all Senators.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from West Virginia for being typically courteous to the Members offering this amendment and also being courteous to the consideration of this issue which is of central importance not only to this appropriations bill but also in terms of the whole question of security for our country. We don't find too often where our colleagues and friends wait their time here on the Senate floor and are so willingly generous to give up some time.

I don't intend to take an undue period of time, but it is typical of the Senator from West Virginia, his courtesy and his respect for the institution, to permit us to make a presentation on an extremely important matter. I thank him very much.

Mr. BYRD. I thank the Senator.

Mr. KENNEDY. I am not surprised, but I am always impressed with the spirit with which the Senator respects this institution and an individual Member's ability to raise important matters to make the case which Senator FEINSTEIN and I are making this afternoon.

Mr. BYRD. I thank the distinguished Senator.

Mr. KENNEDY. Mr. President, we live in a dangerous world, and the greatest danger of all is still the danger of nuclear war or the use of a nuclear weapon by a terrorist group. We know that terrorists are still plotting each and every day to find new ways to kill Americans.

The United States has a responsibility to do what it can to make this a safer world—not as a lone ranger, not as the world's policeman, but for our national security, and for the principles of freedom and democracy that make our country what it is.

We can't afford to let our own policy help ignite a new nuclear arms race. At the very time when we are urging other nations to halt their own nuclear weapons programs, the administration is rushing forward to develop our own new nuclear weapons.

This bill contains $6 million for the development of the so-called ''mini-nukes'', and $15 million for the so-called nuclear bunker-buster. They want to speed up the testing of nuclear weapons, and select the site for a new pit facility—a factor for new nuclear warheads.

These provisions demonstrate the dangerous new direction of our nuclear weapons policy. They continue the go-it-alone, damn-the-torpedoes approach to the delicate balance of international arms control in today's world.

By passing this amendment, we can demonstrate that we are not embarking on this reckless new nuclear policy. It makes no sense for us to tell other nations to ''Do as we say, not as we do.'' We must do a better job of leading the way in reducing reliance on nuclear weapons and honoring our commitments to international arms control. The House bill takes this approach, because it prohibits the use of funds for the development of low-yield nuclear weapons and nuclear bunker busters.

There's a reason why arms control has been such a key element of our foreign policy and defense policy over many decades. Last month, an infuriated gathering took place in Hiroshima to honor those who died there in 1945. The world knows the massive devastation that a nuclear weapon can unleash. Since 1945 nuclear weapons have never been used again in war.

Yet, this year on the anniversary of those tragedies, the Bush Administration's Strategic Command held a secret meeting in Nebraska at Offut Air Force Base to discuss the plan for a new generation of nuclear weapons. They barred congressional staff from the meeting. Their nuclear policy is being discussed in the dark, without telling the American people or our allies what the policy is.

The administration disbanded an advisory committee to the National Nuclear Security Administration with membership that ranged from James Schlesinger to Sidney Drell. Obviously, the administration is not interested in what some of the best minds in our country and the world have to say about nuclear policy in today's world. It's wrong to begin a new nuclear arms race by designing, building, and testing new weapons.

The administration wants to lift the 1993 statutory ban imposed on developing ''mini-nukes.'' But these weapons are far from the type of small, surgical-strike weapons that the name suggests. They will not keep us safer or more secure. Mini-nukes are a dream come true for rogue regimes and terrorists, and a nightmare for every other nation on Earth. Just one of these weapons, carried by a terrorist in a suitcase, can devastate an entire city. A five-kiloton weapon would be half the size of the Hiroshima bomb.

Some claim that these weapons are needed against deeply buried, hardened bunkers. But current technology will allow such a warhead to burrow only fifty feet into the ground or less. Detonating even a one-kiloton weapon at that depth would create a crater larger than the World Trade Center, larger than a football field. It will spew a million cubic feet or radioactive dust into the atmosphere. Imagine what a five-kiloton blast would do.

Not only is the Bush administration developing their new nuclear weapons, it's also rushing to test them. As Deputy Assistant Secretary of Defense, Fred Celec said in 2003, if you, ''design a new nuclear weapon . . . you will probably have to have a nuclear test.''

In fact, the administration coupled its request to design their nuclear weapons with a request to speed up the time it would take to test them.

No one questions the safety of our nuclear stockpile. This accelerated test readiness is not needed to preserve our existing arsenal. The only reason for rushing to achieve the shortest possible testing time is to test new kinds of nuclear weapons.

Consistent with this goal, the administration has also requested funds to design a large-scale production facility for plutonium pits, which are factories for new nuclear warheads. The administration wants a facility able to produce 500 of these pits a year, a level that far exceeds what is needed to maintain the current stockpile.

The administration claims that it is reducing its current nuclear stockpile from 7,500 tactical warheads to less than 2,200. But while they plan for these reductions, the Department of Energy continues to ask for funding sufficient to support the stockpile levels set by the START I Arms Control Treaty in 1991 a level set before the fall of the Soviet Union. If we build 500 plutonium pits a year, it will far exceed the number needed for the current stockpile, even if we make the reductions planned by the administration. The numbers don't add up. We are escalating the nuclear arms race, not reducing it.

These actions demonstrate the administration's contempt for the Nuclear Non-Proliferation Treaty, the foundation of all current global nuclear arms control. The Non-Proliferation Treaty, signed in 1968, has long stood for the fundamental principle that the world will be safer if nuclear proliferation does not extend beyond the five nations that possessed nuclear weapons at that time—the United States, Great Britain, the Soviet Union, China, and France. It reflected the worldwide consensus that the greater the number of nations with nuclear weapons, the greater the risk of nuclear war.

The Non-Proliferation Treaty has clearly prevented a worldwide nuclear arms race. Since the treaty was signed, only five additional nations acquired nuclear weapons, and out of them South Africa later got rid of them. Israel, India, and Pakistan never signed the treaty. North Korea signed it in 1985, but withdrew from it last year.

The Bush administration's policy jeopardizes the entire structure of nuclear arms control so carefully negotiated by world leaders over the past half century, starting with the Eisenhower administration.

The history of those years is still vivid in our minds. I was 13 years old on that fateful day in August 1945, when a B–29 bomber named ''Enola Gay'' dropped the first nuclear weapon, ''Little Boy,'' over Hiroshima. More than four square miles of the city were instantly and completely destroyed. More than 90,000 people died instantly. Another 50,000 died by the end of that year. Three days later, another B–29 dropped ''Fat Man'' over Nagasaki, killing 39,000 people and injuring 25,000 more.

In 1957, when the Soviet Union launched Sputnik, it became clear that two oceans could not protect us from a nuclear attack at home.

The Cuban Missile Crisis of 1962 showed the entire world how close it could come to catastrophe, and gave supreme urgency to nuclear arms control.

In 1968, the Non-Proliferation Treaty was signed in Moscow, London, and Washington, DC, and went into full effect in 1970. For the next 20 years, the United States and the Soviet Union negotiated a series of landmark treaties to keep the world from blowing itself up.

Some say these efforts on arms control have not prevented the spread of nuclear weapons. But look at the past 15 years; South Africa, Belarus, Kazakhstan, and the Ukraine—the world's third largest nuclear power—renounced the use of nuclear weapons and joined the Non-Proliferation Treaty as non-nuclear states.

Britain and France ratified the Comprehensive Test Ban Treaty. Even though the U.S. Senate did not ratify this landmark treaty, every signatory and ratifier has obeyed the spirit of the treaty and not tested nuclear weapons. The United States and Russia have removed thousands of nuclear weapons from alert status, reduced the number of weapons, and coordinated in protecting nuclear materials from theft.

Without this amendment, we turn our backs on five decades of progress in reducing the threat we and the world face from nuclear weapons. Some in the administration argue that in today's world the yield of the nuclear weapons in our current arsenals is so immense that our enemies know that we will never use them. They argue that these massive nuclear weapons have no deterrent value against many of today's adversaries and that we need smaller, more ''usable'' nuclear weapons to make deterrence more credible.

In fact, if we start treating nuclear weapons as just another weapon in our arsenal, we will increase the likelihood of their use—not only against our adversaries, but also against ourselves. We would be dangerously blurring the line between nuclear and conventional weapons, and tear down the firewall between these weapons that has served us so well in preventing nuclear war in the entire half-century since World War II.

As Secretary of State Powell said last year, ''Nuclear weapons in this day and age may serve some deterrent effect, and so be it, but to think of using them as just another weapon in what might start out as a conventional conflict in this day and age seems to me to be something that no side should be contemplating.''

It is difficult to believe that these new types of nuclear weapons serve any rational military purpose. As we saw in the first Persian Gulf war and again in the war against Iraq, precision-guided conventional and stand-off weapons serve us incredibly well. How could low-yield nuclear weapons be any more effective than the precision-guided conventional weapons? And their radioactive fall-out would be far more dangerous to our ground troops and to civilian populations.

Our goal is to prevent nuclear wars, not start them. I urge my colleagues to approve the Feinstein-Kennedy amendment, and say ''no'' to any such fateful step on the road to nuclear war.

I wanted to thank my good friend and colleague from California for her presentation earlier this afternoon and also for her eloquence when we addressed this issue earlier in the session.

She has reminded us in this body about how this administration has been evolving its whole nuclear policy with very subtle changes, moving us in a very dramatic and different direction than has been generally embraced over the period of the last 50 years.

What she has commented on, and what troubles me and, I think, increasingly Members of the Senate at these hearings that have been held, by and large under security conditions and not in the broad daylight for public debate and discussions—I think, hopefully, as a result of these discussions and the understanding we have developed here, and has been particularly well developed—I think in the House of Representatives by many of those on both sides of the aisle, I might add, Republican and Democrat alike, who have examined this in considerable detail, they have reviewed this and made a very strong recommendation we not move in this direction.

I don't think anyone can say our House colleagues have been negligent in assuring that we were going to develop the kinds of defense systems and also the defense capability to ensure the protection for our national security.

As shown on this chart, we review very briefly the half century of arms control. Going back over the period of time, in 1963 there was the Partial Test Ban Treaty, and there was the Nonproliferation Treaty in 1970. We also see the SALT and ABM Treaties, and also SALT II. These are all efforts by both Republicans and Democrats to move us away from the real dangers of nuclear confrontation and nuclear war. As we remember, a number of years ago we talked about the ''nuclear winter'' as well. We have seen enormous progress that has been made and great leadership by both Republicans and Democrats. Many of our colleagues in the recent past, such as Senators Richard Lugar and Sam Nunn, with the development of the Nunn-Lugar provisions, tried to get those countries that have been willing to sign on and move us away from the dangers of nuclear proliferation, to get help and assistance from the United States to help them achieve that goal. Now we have a very different direction.

Finally, we have these statements made by the administration. Fred Celek said:

> If a nuclear bomb could be developed to penetrate rock and concrete and still explode, it will ultimately get fielded.
>
> I have a bias in favor of the lowest usable yield because I have advised the use of that which will cause minimum destruction.

We are basically talking about an effort that recognizes a very important part of our history—Republicans and Democrats—to move us away from nuclear proliferation, and the United States has been a leader. Other countries have been willing. That has been the result of 50 years of work of Republicans and Democrats.

Now, in a world of increased tension, in many respects as a result of terrorism, we are finding ourselves in a situation where the administration wants to alter that policy in terms of development and testing. Mininukes—and there is really no such thing as a small nuke; a nuke is a nuke. It is no different by nature, disposition, and its capability. Those who have served in the military are familiar with a great deal of information regarding nuclear weapons. Our present Secretary of State wrote a book and included the comments I stated. As a former military officer, he understands this. At a time, frankly, when we are unsurpassed in terms of our military capability, why in the world do we want to develop small conventional systems which will trigger other countries to do that. That could compromise what we have today in terms of our military and our Armed Forces.

There is one modern military force in the world, and it happens to be the United States. We have to keep it that way. Why put at risk that advantage with the proliferation by other countries of small useful nukes—I think that is unwise—as well as the dangers it would pose in terms of the growth of terrorism.

I yield the floor.

The PRESIDING OFFICER (Mrs. MURKOWSKI). The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Madam President, I very much thank the distinguished Senator from Massachusetts for his remarks. I appreciate very much his leadership and support on this issue. I want to make some comments in response to the chairman's comments.

The first is, on July 16, the House published their report. I would like to read excerpts from the House Energy and Water Development Appropriations Act into the RECORD because I think it sets some things straight:

> Before any of the existing program goals have been successfully demonstrated, the Administration is now proposing to spend millions on enhanced test readiness while maintaining the moratorium on nuclear testing, aggressively pursue a multi-billion dollar Modern Pit Facility before the first production pit has even been successfully certified for use in the stockpile, develop a robust nuclear earth penetrator weapon and begin additional advanced concepts research on new nuclear weapons. It appears to the Committee the Department is proposing to rebuild, restart and redo and otherwise exercise every capability that was used over the past forty years of the Cold War and at the same time prepare for a future with an expanded mission for nuclear weapons. Nothing in the past performance of the NNSA convinces this Committee that the successful implementation of Stockpile Stewardship Program is a foregone conclusion, which makes the pursuit of a broad range of new initiatives premature. Until the NNSA has demonstrated to the Congress that it can successfully meet its primary mission of maintaining the safety, security, and viability of the existing stockpile by executing the Stockpile Life Extension Program and Science-based Stewardship activities on time and within budget, this Committee will not support redirecting the management resources and attention to a series of new initiatives.

What they are saying is, shouldn't we certify before starting this program? Shouldn't we certify to its safety? There are just a few reasons to do that. I am going to bring up the Rocky Flats plant northwest of Denver.

Fourteen years ago, this plant, which had produced pultonium pits, sank permanently into a multibillion-dollar cesspool of contamination, criminality, and managerial incompetence. I am quoting from an article in the bulletin of Atomic Scientists:

> Not to worry says, the Department of Energy, Rocky Flats II will have all the necessary equipment for suppressing plutonium fires that regrettably cannot be totally eliminated, but whose frequency and severity can be reduced, and even planned for, in the structural and process designs.

This keeps getting mixed up. We already have $2.3 billion appropriated for a pit facility at Los Alamos, and that facility will begin producing 20 pits per year in 2007 and can be equipped to produce as many as 80 pits per year and can be further enlarged to produce 150 pits per year. At what are we throwing this money? How big does this thing have to get? That is what is going on in this. It may be that Los Alamos is having trouble with it. I don't know. But I do know this: Throwing money at it is not the solution.

It might be useful to put the entire report language in the RECORD. I ask unanimous consent to print the report language in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FUNDING, HOUSE LANGUAGE ON NEW NUCLEAR WEAPONS AND NUCLEAR TESTING, SEPTEMBER 12, 2003

The Senate is currently considering the Energy & Water Appropriations bill. On Tuesday, Senators Feinstein and Kennedy will offer an amendment to reduce and restrict funding for specific nuclear weapons budget items. Details on what has already transpired are below.

[Dollars in millions]

	Administration request	House action	Senate approps action
Robust Nuclear Earth Penetrator	$15	[1] $5	$15
Advanced Weapons Concepts	6	.....	6
Enhanced Test Site Readiness	24.8	.....	24.8
Modern Pit Facility	22.8	10.8	22.8

[1] The Committee directed that the DOE use the $5 million to work with the DOD ''to maximize the dual-use applicability for both conventional and nuclear weapons.''

EXCERPTS FROM THE HOUSE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004—HOUSE REPORT 108–212

The Committee provides $5,000,000 for RNEP and eliminates funding for additional advanced concepts research in favor of higher priority current mission requirements. The Committee is concerned the NNSA is being tasked to start new activities with significant outyear budget impacts before the Administration has articulated the specific requirements to support the President's announced stockpile modifications. Under current plans, the NNSA is attempting to modernize the industrial infrastructure of the weapons complex and restore production plant capability in order to refurbish the entire START I stockpile, reengineer the Federal management structure of the complex

and downsize the workforce by 20 percent by the end of fiscal year 2004, while struggling to successfully demonstrate its core mission of maintaining the existing stockpile through the Stockpile Stewardship Program. Before any of the existing program goals have been successfully demonstrated, the Administration is now proposing to spend millions on enhanced test readiness while maintaining the moratorium on nuclear testing, aggressively pursue a multi-billion dollar Modern Pit Facility before the first production pit has been successfully certified for use in the stockpile, develop a robust nuclear earth penetrator weapon and begin additional advanced concepts research on new nuclear weapons. *It appears to the Committee the Department is proposing to rebuild, restart, and redo and otherwise exercise every capability that was used over the past forty years of the Cold War and at the same time prepare for a future with an expanded mission for nuclear weapons. Nothing in the past performance of the NNSA convinces this Committee that the successful implementation of Stockpile Stewardship program is a foregone conclusion, which makes the pursuit of a broad range of new initiatives premature.* Until the NNSA has demonstrated to the Congress that it can successfully meet its primary mission of maintaining the safety, security, and viability of the existing stockpile by executing the Stockpile Life Extension Program and Science-based Stewardship activities on time and within budget, this Committee will not support redirecting the management resources and attention to a series of new initiatives. (Emphasis added.)

Mrs. FEINSTEIN. I thank the Chair. Madam President, it may be useful to think for a moment—the chairman started me thinking. He asked the question: Why did we need 40,000 nuclear weapons? The answer is we didn't. Now 40 years later, we are left with enormous problems: 40,000 nuclear weapons which this country entered into the study, the research, the design, and the development of. We could blow up this Earth time and time and time again, obliterate it from existence. Does anyone think that makes sense—40,000? No, because what happens is the economic urge, the parochial nature of States—all of this takes over and subliminally, under the radar, huge weapons systems become developed which need to be maintained, secured, activated, and deactivated.

It is a crazy system, and we all pat ourselves on the back and think we are good Americans. Does anybody believe the United States of America needed 40,000 nuclear weapons? But we built them. That is what is happening here again. That is exactly what is happening here again.

We are appropriating money for a $4 billion bomb factory in addition to the $2.3 billion bomb factory we already appropriated. If they can't do it for $2.3 billion—and I am talking about Los Alamos run by the University of California—if they can't do it, let's take a good look at the reasons.

Other nations know what we are doing. The Finnish Foreign Minister, just a week ago, commenting on our failure to ratify the Comprehensive Test Ban Treaty, the move sent completely the wrong message to the international community.

That is exactly what I have been saying. That is exactly what we are doing. We are sending a message we are doing it and, believe me, others will follow suit.

Then he went on and said:

We should be concerned about the development of weapons of mass destruction even in the case of low-yield weapons, the foreign minister said in an interview to be published in the Austrian daily Die Press on Friday. Muhammad el-Baradei, the head of the International Atomic Energy Agency, accused the United States last week of effectively breaking a ban on the proliferation of weapons of mass destruction through its research on so-called mini-nukes.

The chairman says there is no research going on regarding mininukes. Then why did we repeal the Spratt-Furse language that for 10 years prevented the development of mininukes? Why did we do it if we were not going to build it? This is the deception. This is the covert nature of these programs. I do not doubt that we are building them.

To say this is not happening really bothers me. If my colleagues do not believe it is happening, reread the Nuclear Posture Review. Every Member has access to the classified version of the Nuclear Posture Review which came out in January of 2000. They can read the unclassified version. For these purposes, I am going to quote from the New York Times of March 10. This is about the Nuclear Posture Review.

It stresses a need to develop earth-penetrating nuclear weapons to destroy heavily fortified underground bunkers, including those that may be used to store chemical and biological weapons.

Now I am quoting from parts of the article.

There is a quote again from the Pentagon: This administration is fashioning a more diverse set of options for deterring the threat of weapons of mass destruction. That is why we are pursuing advanced conventional forces and improved intelligence capabilities. A combination of offensive and defensive and nuclear and nonnuclear capabilities is essential to meet the deterrence requirements of the 21st century.

In my mind, what that means is the smaller nuclear weapons will be built below 5 kiloton. The difference is kind of blurred between conventional and nuclear weapons and it makes it easier to use the nuclear weapon on the battlefield. That is what I believe is going on.

Another place states: Adding new detail to previous briefings, the Pentagon says that its future force structure will have the following components. By 2012: 14 Trident submarines with two in overhead at one time. They will be part of a triad that will include hundreds of Minuteman III land-based missiles, 100 B–52, H and B–2 bombers. That is an operationally deployed force of about 1,700 to 2,200 strategic nuclear warheads.

The Pentagon said that nuclear planning is not merely a question of numbers. The Pentagon also wants to improve existing nuclear weapons and possibly develop new ones. The report cites the need to approve earth-penetrating weapons. In general, the Pentagon report stresses the need for nuclear weapons that would be more easy to use against enemy weapons because they would be of variable or low yield, be highly accurate, could be quickly targeted.

It is going on. No matter how one wants to cloak advanced weapons concept designs, it means new nuclear weapons, and that is what we are doing. We are breaking a 60-year tradition. We are going to move up testing. Testing does not need to be moved up. Why do they want to move up testing to the basic minimum time possible when the experts say it is not possible to do it in 18 months?

Now, you can believe that we can be fairly assured by the fact that we spend $400 billion a year on our defense, more than every other nation on Earth combined; that maybe ought to give us an element of security; but I think to open this door, to walk through a nuclear door, to propose that we are going to begin to develop low-yield nuclear weapons and nuclear bunker busters sets an example for the world. They read the Nuclear Posture Review. They read the Washington Post. They read the French press. They read the speeches. They know what is happening. So we are setting an example for other nations. We say all the time that we do not want to proliferate, and we are encouraging proliferation by our own actions. Forty thousand nuclear weapons, I guess 45 years ago or 40 years later—I bet there is no one in the United States who can say we need 40,000 nuclear weapons, but we develop them. They are there. A lot of them have been disarmed.

We are going to begin now this next generation. It is wrong. It is morally wrong. It is wrong for our children. It is wrong for our soldiers who have to go on the battlefield.

Take another look at Hiroshima. Both Senator KENNEDY and I spelled out the number of deaths. If we add them all up within a year, I think between Hiroshima and Nagasaki it totals 220,000 dead. That is a combination of a 15-kiloton bomb—what was it, a 21-kiloton bomb at Nagasaki—and we are talking about a 100-kiloton nuclear bunker buster.

Look at this devastation. This is one bomb. I will never forget as a 12-year-old what we grew up with. Children today have different fears, but what we grew up with was the fear of an atomic bomb. That is why the daisy spot that was used in the Goldwater campaign had such an impact because there was a whole generation of young children who were impacted by it. I was one of them. Senator KENNEDY is the same generation. He was one of them.

When we were young, we said: We are never going to let this happen again. But in the Senate we are letting it happen again. If this Senate does not do

what the House of Representatives does, I think there is a moral degradation spread over this whole body because we will then become the ones who launched the new generation of nuclear weapons.

Mr. KENNEDY. Will the Senator be good enough to yield for one or two questions?

Mrs. FEINSTEIN. Yes.

Mr. KENNEDY. I saw the photograph that the Senator has of Hiroshima. I have a chart that gives us a for instance. If we use a 5-kiloton earth-penetrating nuclear explosion in Damascus—this is just a for instance, obviously—and they had the traditional winds that flow from the east to the west, it gives the general flowline of where the radioactivity and the dust would flow, but we can see roughly it would go from Syria, across northern Israel through southern Lebanon, just north of Haifa. The best estimates would be 230,000 fatalities and 280,000 casualties. This is a 5 kiloton bomb.

I have heard the Senator from California talk about the fact that this is a mini-nuke, but she has just again restated very clearly that there is really no such thing as a mini-nuke. We are talking about weapons that have such a massive, distinctive, unique, and special quality that they have such an extraordinary danger to all of those who are directly affected, and those who would be indirectly affected well into the future.

So we are looking at these casualties the Senator mentioned, Hiroshima and Nagasaki. We can also look at what the casualties would be with the 5-kiloton earth penetrator that went down to 30 feet in depth. We are talking about major devastation that this country, as Senator FEINSTEIN has said so eloquently, has never accepted—through Republican and Democratic control; this has not been a partisan issue over a long period of time.

Let me just ask the Senator a final question that is the question I think all Americans are wondering about: whether we have security of our current nuclear capacity. This is raised in discussion and debate. Why should we ever take a chance, in terms of what we do have, in terms of a current capability?

I have seen and read and heard the directors of the laboratories that have responsibility for this repeatedly indicate their sense of assurance. They are skilled, committed individuals who have dedicated basically their lives to ensure the deterrent capability of our capacity, in terms of nuclear weapons. They give the assurance to us that we can give to the American people that we have the capability and it is current.

I am just interested, as someone who has spent a great deal of time on this, because this is an issue that has been talked about a great deal even during the course of this debate, whether the Senator believes she can give assurances unequivocally to the American people from what we do have—from her knowledge of the lab directors—that we are able to give them the assurance that our nuclear stockpile is current and capable and ready to meet the test if called upon.

Mrs. FEINSTEIN. Through the Chair, respectfully, to the Senator from Massachusetts, I think no one can give an unequivocal statement that our nuclear supplies, plants, et cetera, are unequivocally safe. I think a lot of steps have been taken.

As to whether they are adequate to meet any challenge, I have never heard anyone say they were not.

Mr. KENNEDY. I appreciate the distinction the Senator has made. She gets to the nub of the issue: The question, in other words, is whether we have an adequate stockpile—more than an adequate stockpile, as the Senator has pointed out.

I thank the Senator. This is an issue of enormous importance and consequence. I share the view of the Senator that we have many different, important issues that are before Congress this year: Obviously, the overarching issues, the conflict in Iraq and the war on terror, and how we are going to deal with those, as well as other priorities to which we are committed. But the issue in terms of the security, even as we are thinking about the nature of terrorism, I think she would agree with me, is also related to the whole issue of the battle against terrorism, as well, in terms of what the potential may be in the future with the development of these, what they call mini-nukes, and what that means in terms of the proliferation issue.

I thank the Senator for her comments.

Mrs. FEINSTEIN. I thank the Senator from Massachusetts. The Senator was not in the Chamber. But the chart I used was of a predicted radioactive fallout from a B61–11, the 300-kiloton explosion in west Pyongyang, North Korea, using historical weather data for the month of May. It is a similar chart to what the Senator has shown, but it gives the 48-hour dose of radiation contamination. The possible effects of radioactive fallout should a nuclear weapon be used include, possible radiation burns; change in blood chemistry, hemorrhaging, as well as deaths in weeks or months—it is a terrible chart to have to look at. Of course, this is an extraordinarily large device, so we are not talking about a bunker buster. That is 300 kilotons. But that is the chart that we happen to have.

I think the thing that bothers me most about this program is that nobody really knows what is going to be produced with all this money. It always happens kind of under the shelf. Then the economics of it become so important that there needs to be a continuation of it. I really suspect that is why we ended up with 40,000 nuclear bombs—because once you get into it, it just keeps going and keeps rolling; there are constant demands. I think that is indicated by the fact that we have already appropriated $2.3 billion for this plutonium pit facility at Los Alamos and reportedly this pit facility, if it is able to be built correctly, can take care of all of the needs for the foreseeable future.

But this is another $4 billion program—that is over 10 years—of which an amount is authorized in this bill that we are trying to strike because there is no need for it. I think we have tried to lay out the arguments here. This is not an easy issue. I really believe we will probably never have more of an issue of conscience in this session than we do in this vote. I think the House of Representatives have given their consciences a test and measured up by eliminating the funds. They said clearly we are not ready to spend these funds in the report language that I read and put in the RECORD. And the balance really rests with the Senate.

I suspect we may be defeated. It will be a conferenceable item, and all of those who want this new generation of nuclear weapons will end up prevailing. But I can tell you I don't want my fingerprint on it. I don't want to have to say what I have done to my children.

Every bit of information I have ever received indicates that with the most superior conventional weapons forces in the world, and an amount of money spent that is more than that spent by all of the nations put together, a huge nuclear arsenal, and the ability to dial up or down the kilotonnage of our nuclear bombs—my hope is we will continue our commitment to the Nuclear Nonproliferation Treaty; that we will not be hypocritical; that we will live by our words, our statements; if we want other nations not to proliferate; that we will see that we do not develop the mechanisms by which proliferation is incentivized or carried out.

So I think this is a very big vote. I really hope the Members of this esteemed body will vote yes to strike the money from this bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, Senator KENNEDY is still in the Chamber, and he asked a question of the distinguished Senator from California about the safety of our nuclear weapons.

Senator KENNEDY, once a year, each of three civilian men—it happens in this case they are men. I don't think there has been a woman in charge of either of the three nuclear laboratories since their inception. But, once a year, three civilians certify to the President of the United States that, to the best of their knowledge, the nuclear stockpile is intact, safe, and reliable.

That has been going on for well over 60 years. But only 8 years ago, or 9, we changed the way those men concluded the weapons were safe and reliable and ready. Properly or improperly, we said no more underground testing. Prior to that, every time a certification was

made to the President, it was predicated upon the single best way to determine the validity of a weapon, and that was to test it.

Now we have said let us do it another way. Let us send a signal to the world we don't want to test underground. This amendment is relevant, which I will tell you about in a moment.

We said to the scientists, How much money do you need to get the best equipment, including new equipment, to determine the validity of the weapons without testing? That is called science-based stockpile stewardship. There are many who do not think it will work, that we will have to return someday not for a new stockpile, but to answer that question we might have to return to testing.

I know the Senator from Massachusetts has studied these issues, and he is a very involved Senator. But I spent a huge portion of my life learning this. We are going through the throes of the most incredible kind of research just to determine there is nothing wrong with the innards of a 40-year-old bomb, or 30-year-old bomb as we reduce from 40,000 to 5,000, or less, which is where we are now and heading down.

Yes. The answer is if you follow that sequence, those men not too long ago told the President they are OK. But in this amendment, one portion the Senator from California strikes is a provision that could be freestanding and important. It has nothing whatsoever to do with a new weapons system. It just says bring the test site in Nevada current so it doesn't take 3 years if you make a decision to use it. One portion does that. Instead of letting that system in Nevada degenerate so that if you need it, it will take 3 years to build it up, part of this amendment says move it along so it is only 18 months.

If you want to conclude that is in there because we want to build a whole new system of weapons, you can do that. But the truth is it is in there because the time has come to get it more relevant to the problems we may be confronted with in terms of one of these directors saying we had better test the weapon. Then we have to wait 3 years. Part of this amendment says no, you will only have to wait 1½ years. That part should pass under all circumstances. Why the United States House of Representatives said no, I can't understand. The Senate said yes already, overwhelmingly.

This amendment would take it out and say leave it at 3 years; let the reliability kind of lie in wait in case we need it to test a weapon; let it be 3 years instead of 1½ years.

The second part of this amendment: There is no use today on the floor of the Senate in terms of this amendment to talk about the fact that years ago we had 40,000 nuclear weapons and the Soviet Union had 60,000. Those are true numbers. That happened. I am not sure the last number is right, but it is plenty more than 40,000. We are on the way down substantially while three or four new countries are added that I don't think had anything to do with this amendment. Pakistan had nothing to do with this amendment as they developed their nuclear weapon. I don't believe this amendment has anything to do with the North Koreans. This amendment says get that site ready in case we have to test the weapons we own.

We can get up here and talk all we want about America is already building new nuclear weapons, but it isn't true. If any Senator stands up here and says we are making new nuclear weapons and they are just little nuclear weapons, I submit they ought to ask anybody they want under oath anywhere in the Government, and the answer will be we aren't, we haven't, and we will not build a nuclear weapon until Congress says we can.

Building a nuclear weapon is not in this language. Look at it. Look at every single word. See if it says you are going to build one nuclear weapon with the money in this appropriations bill. It in no way permits the building of a nuclear weapon. It does what I said about the Nevada Test Site. It says to our scientists at these laboratories, In the meantime you can study, you can research weapons of the future. And it names the kinds of things we might be looking at in the future.

I submit that for a great nation to say anything to its scientists but you can do that is absolutely crazy. Do you mean we are going to tell these great scientists we don't know what is going to be here in 15 years, but you better not be studying what kind of weapons we are going to need in 15 years because we are scared of that, we think that means we are going to build new weapons? I don't believe that. I believe they ought to be permitted to study. They ought to be permitted to think. We ought to be wondering about underground chemical plants that might be building things to destroy the world. I see nothing wrong with that. I do not see that as threatening to anyone, for it builds nothing. If anything, it builds brainpower on the part of the great scientists, and that is it.

The last one about a plant to manufacture pits: This request says that for the next 40 years—40 years—we may need pit replacements from time to time for our nuclear weapons. That is a given. It says let us design the complex to do that.

This amendment doesn't say cut it in half, we don't want you to make it so big. We say send us the plans and we will look at them. This says don't do it. Why not do it? Every other country with nuclear weapons has spare pits, I regret to say. But for us, it doesn't mean much. Nobody has to be scared. That doesn't mean next week or next month, but it is something our experts are saying shouldn't exist too long. And we are busy trying to build a couple in a makeshift manner, to which my friend from California alludes. It is not a factory. It will not take care of 30 or 40 years of the future. It is a makeshift assembly in the city of Los Alamos as part of the research laboratory. It has been a devil of a job for them to manufacture consistent with the need for a plutonium pit for a nuclear weapon.

Today we are discussing things which we hardly ever discuss. But I believe at 10 minutes of 5 on the 15th day of September on a Monday, if we were authorizing the building of new nuclear weapons, there would be a block of Senators on this floor. There would be steam heat from those who oppose it.

The truth is that isn't what the amendment does. It is not an amendment that will build any new nuclear bombs.

I repeat: As important as it is, and as magnificent as the Senator from California is in her presentation on September 15, it is not an amendment that has anything to do with building or not building nuclear weapons, for we are not authorizing that. It won't happen because of what we are doing. And she won't stop it from happening with her amendment because it isn't happening to begin with.

Essentially, the Senator indicated it is a moral issue. That is an easy term to throw around—a moral issue. I could probably say it is a moral issue, also. I understand it in stark, objective terms. It does not frighten me a bit.

As a matter of fact, I am more frightened to think of having the scientists who have manned our nuclear laboratories told they cannot think and plan for the future regardless of what their great brains say might be around the corner, over the hill, or in some decade to come, for these United States. That frightens me more and creates more of a moral issue than the issue that is not even an issue, to wit, we are building more nuclear weapons, a new arsenal, and the like.

It cannot be a moral issue for me because a negative can hardly be. If you are not doing it, it does not seem to me to be an issue, moral or otherwise. That is how I see it.

The Senator suspects we will win. I am not sure. If the Senate has any consistency, we should. We already won once. In fact, since then we have learned a lot more. But we have reduced it to dollars and to programs that had been authorized. It is easier to see what we are and are not doing in this amendment, in this appropriations bill, than it was when we voted in favor of the authorization bill. I am not sure how it will come out. I am not sure what will happen in the House. I guarantee if the Senate votes to go to conference with the language we have written in this bill that came out of Appropriations, we will consider it a very important issue for America's future. It will not be easy to give it away to a House that canceled it and spent the money on water projects instead of these issues. That was the outcome.

Mr. KENNEDY. If I could inquire quickly of the Senator, as I remember,

we had the support of the Joint Chiefs of Staff at that time in 1998 when we considered the comprehensive test ban treaty. We did not ratify it, but it was supported. I don't know, as a member of the Armed Services Committee, of any request by the Joint Chiefs of Staff that they have made, any representation to the Armed Services Committee that they believe our nuclear capability and capacity is in any way threatened today.

We do have the testing capability. It takes anywhere from 24 to 36 months to move ahead on the tests. I don't know that we know of any requests made by the Joint Chiefs or any chiefs or the Secretary of Defense specifically suggesting our capability regarding our nuclear weapons is anything but robust and capable now. It is very important we know as we debate this issue. I would be interested in the Senator's answer to that.

Second, I understand what has been done with the separate amendment which prohibited the development and testing of mini-nukes, as well as a number of provisions in the Spratt amendment in the authorization committee. When we get a conference report, as a member of that conference, the conferees understand that issue will be resolved. The Spratt amendment will no longer be in effect.

So on the one hand the authorization committee will eliminate the Spratt amendment, which would have actually prohibited the development of anything below the 5 kiloton. Now we are on the second phase of this appropriations process in terms of the Department of Energy, and the Senator is saying the money in here cannot be used for this development. But it is clear, as the Senator from California has pointed out, from the Nuclear Posture Review, the debate on the authorization, and the elimination of the Spratt amendment, the continued effort to put the money in mini-nukes, this is the dangerous direction the administration is moving.

I hear what the Senator has said and the assurances the Senator has given to Members, but I wonder why we cannot have more clarity regarding the legislation.

Finally, I will add with regard to the scientists and what they were able and not able to pursue. As the Senator knows, we had the most extraordinary upgrading of weaponry, particularly in the Iraq situation, particularly on the precise guidance and precision bombs. We will not take the time in this debate to review it, but there has been absolutely extraordinary progress made in the area of conventional forces. The scientists have been working effectively. That has enhanced our capability.

I am interested whether the Senator knows of any Joint Chiefs who believe the nuclear weapon stockpile would require additional testing?

Mr. DOMENICI. Madam President, let me answer this way: I don't believe there is a single member of the Joint Chiefs of Staff, a single expert in the United States of America on its nuclear weapons arsenal, that if asked would they prefer that the Nevada Test Site be ready for tests in 18 months or 3 years, would not answer: 18 months; 3 years is too long.

If you ask me, I will tell you. I believe there is no one who is certain that over time what we are doing is going to work and that we are not going to have to go to testing at some time. Almost everyone says that. Since they say it, I am confident they would rather have the Nevada Test Site ready in a shorter timeframe rather than longer.

I thank the Senator for the question. I yield the floor.

Mr. KENNEDY. If the only question, then, is an issue of timing and upgrading the testing to reduce it from 2 years to 18 months or 2½ years, I don't think we would have an amendment here. We know that alone does not show the thrust of what we believe will be permitted with this policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I appreciate the opportunity to speak on this amendment in support of the Senator from New Mexico and in opposition to the proponents of the amendment.

It seems to me, this amendment seeks to put our head in the sand and ignore circumstances around us in the vain hope that somehow everyone else in the world has as good intentions as the United States and if we just wish hard enough that they will not cause trouble.

The amendment says we ought to at least be thinking about what we would do in the event that we decide our deterrent was no longer credible enough to deter the threats against us.

Everyone supports the idea of a deterrent. That includes a nuclear deterrent. That is, frankly, one of the things that kept the Soviets and the United States from engaging in a hot war during the cold war.

What we are saying is, sometimes when things change, you have to think about what that means in terms of your defense posture. This is one of those times. What the amendment would do is stop us from thinking about it. If you concede we need a nuclear deterrent, you should not propose an amendment that says we cannot think about it.

One thing that has changed, we no longer face an opponent which, like the United States, had these huge multimega tonnage weapons that were basically conceived, developed, and deployed in order to scare the other side into believing if they ever attacked, we would incinerate most of the people in the other country. These were not bunker-busting bombs. These were city-killing bombs, bombs that would be detonated over the opponents' city, killing literally millions of people. That was such a scary thought in the cold war it deterred aggression.

The question is, Would that same deterrent work? I ask in the case of Iraq, if Iraq used chemical or biological weapons against the United States, does anyone believe that a credible United States threat would have been dropping one of our large massive nuclear weapons over Baghdad, killing millions of innocent Iraqis? It is not a credible deterrent.

So in a world where you have terrorist organizations and terrorist-sponsored states, and you no longer have the two great superpowers—the Soviet Union and the United States—facing off against each other, the question is, What kind of a nuclear deterrent should we have?

What this amendment would do is stop us from even thinking about that. It seems to me we ought to be thinking about that. And if smaller, more precise weapons could do the job just as well, wouldn't people of good will, who are concerned about unnecessary death, be interested in at least thinking about weapons that would pose a deterrent to an attack but would not kill as many people, would not kill so indiscriminately?

One of the great lessons from this Iraqi experience is that we now have the capability of delivering weapons very precisely. Wouldn't it be better to do that, even in a nuclear context, than the one we are in now?

The Senator from Massachusetts just alluded to the great progress made in precision conventional weaponry. Even that, however, was not sufficient to destroy at least one, and I believe some, of the bunkers in Iraq. And without getting into a lot of detail, let me just say we are well aware that there are countries in the world that have developed extraordinarily robust underground facilities that we are going to have to take out if we are ever to win a military conflict with them. If we do not have the capability of doing that, they have the upper hand.

Wouldn't it make sense to be able to deliver very precisely the kind of weapon that we are asking just to be able to think about here in order to destroy that kind of facility? The conventional weaponry will not do it, as precise as it is. As the Senator from New Mexico pointed out, we are not asking for money to do it. We are just asking to allow our scientists to think about what would be necessary and what would be possible—perhaps maybe not even necessary but perhaps make recommendations to us so we could then act on those recommendations.

To this matter of the time, I am glad the Senator from Massachusetts perhaps conceded the point that if we need to reduce the time necessary to prepare our Nevada Test Site, we should have the ability to do that. All of the experts—the Senator from New Mexico is correct—agree that we should not have to wait 3 years to even test a weapon. As a matter of fact, one of the problems is that we do not necessarily

know whether our nuclear weapons—the existing ones—will work well after all of these years. And our opponents do not necessarily know.

Also, the Stockpile Stewardship Program, which is merely a bunch of computers designed to tell us, as best they can, whether they think these weapons will work, is not a perfect system at all. It is not going to be done for years. It is not at all sure it will provide us what we need to know.

But if we have an inkling that one of our weapons cannot be certified, and we decide to have a test in order to determine whether it can be certified, right now we are in for a very long period of time in which our potential enemies know full well that we do not have full confidence in our stockpile; that we are preparing to conduct tests, and obviously the only reason we are preparing to conduct tests is that we do not have full confidence, and we are going to have to test something in order to see what kind of changes would have to be made. And that process would take 3 years. That process makes no sense at all.

Another argument that makes no sense at all is that it is important for the United States to lead and that it is going to be impossible for us to argue—how little confidence this shows in the United States. Can we have confidence that we are right? The argument is that we cannot lead if we even think about developing new nuclear weapons; we cannot tell others in the world to stop developing nuclear weapons as long as we are developing nuclear weapons.

Now, that is perverse thinking. When the Nuclear Non-Proliferation Treaty was entered into, it recognized that certain countries in the world, including the United States, had nuclear weapons. This was not a bad thing. In fact, the NPT even called for us to share our nuclear peaceful technology with other countries if they would foreswear development of their weaponry.

We have had a self-imposed moratorium now for many years even on the testing of any nuclear weapon. Has it stopped countries from developing nuclear weapons? Has it stopped North Korea? Apparently not. Is it stopping Iran? No. Did it stop China? No. Did it stop India? No. Pakistan? No.

It looks to me as though the self-imposed moratorium is not very effective. And leading the world by saying, ''We are not going to test any weapons, would you please not test weapons,'' has resulted in a whole host of countries, most of which are not our allies, developing or seeking to develop nuclear weapons. That is not a good thing. It shows a failed strategy, not a successful strategy.

If these countries are led to believe that the United States will keep up with them, or at least we will not prevent ourselves from thinking about keeping up with them, maybe they will be a little less likely to develop these weapons.

If North Korea, for example, just speaking hypothetically, believes we are serious about preventing them from acquiring a lot of nuclear weapons and proliferating them around the world, clearly, that must mean we are willing to use our own nuclear weapons. They have to depend upon the United States being confident of our nuclear deterrent and being willing to use it under certain circumstances. If they cannot be confident of that, then what incentive do they have, except their good will, to not develop their nuclear weapons?

So far, the idea that we have to not develop or even think about our nuclear weapons in order to induce other countries not to do the same has proven an utter failure. And there are other countries in the world, whose names I could mention, that we believe are also trying to acquire this nuclear capability. So our self-imposed moratorium of even thinking about these weapons is not doing a very good job of convincing other countries to do the same. Better that we recognize reality, get our head out of the sand, and acknowledge that if we are going to rely upon a nuclear deterrent, we had better be able to think about it and even, at some point in the future, be able to do something about it.

Let me just make a couple of quick other points, Madam President.

We have made the commitment, subject to future development, of course, to reduce the very large arsenal of our nuclear weapons, and not just to reduce the number but to reduce the quantity of the very high megatonnage weapons. One of the reasons—well, there are a couple of reasons that are relevant here, but one of the reasons is that we do not think we would need that kind of weapon in the future because we no longer are facing a superpower potential enemy such as the Soviet Union. They are also expensive to maintain, I might add. And, thirdly, we know that over time these weapons deteriorate, and at some point we are going to want to remove them from our arsenal in any event. So we have made that commitment.

Now, which is better? Which is better? That we follow through with that commitment to remove this large number of extraordinarily powerful nuclear weapons that may or may not be all that safe, and think about substituting, in some cases, much smaller, much more precise, much safer weapons maybe or just keeping those large weapons around, hoping they will be safe, hoping they will not deteriorate, hoping they will work but, if we ever had to use one, understanding that it would result in massive casualties?

It seems to me that the people who really value life would want us to think in 21st-century terms, not middle-of-the-20th-century terms, in that regard.

Another point: There is a very important relationship between research and development, and I do not think we should fall into the trap of attempting to separate research from development.

The Senator from New Mexico made the point that nobody is talking here about producing weapons. And we are not. But I hope we do not get to the point that we are so committed to eliminating U.S. nuclear weapons that we would make a decision that said we will never develop or, at this point, we are going to put a legislative ban on the development of any such weapons.

That would send a very bad signal to countries of the world against which we want to have some kind of nuclear deterrent. It is a little bit like asking what our exit strategy from Iraq is. We would like to leave Iraq. But the point is, you don't start signalling before the time is ready that we want to get out of there as soon as we can or the terrorists will simply wait us out. You want to demonstrate that you are committed to stay as long as it takes.

We want to demonstrate to our potential enemies that we are prepared to do what it will take to defend the United States. Why would you want to signal to them that you are going to put an absolute moratorium on research and an absolute prohibition on development? That makes absolutely no sense.

It also ensures that the great scientific minds that in the past have been willing to work on these projects are no longer going to be willing to come to the National Laboratories of the great prominence we have all been so proud of in the past because there is no future in it. They tell us now that they are not getting the kind of students coming out of the universities they were used to. Their manpower, in terms of the capability in nuclear testing, has dwindled to virtually nothing. If they ever had to go back to a test, let alone develop, a nuclear weapon, they would have to bring people out of retirement who understood how it worked back in the 1960s and 1970s, but they would have a lot of difficulty even working with the new kinds of materials, with the new computer technology and other advancements that we would probably want to incorporate into any new designs.

If we are going to entice the best minds to think about this, to keep up with people in other countries that have no compunction about doing this, we have to send them a signal that we are not forever going to shut off any work in this area. What young scientist would want to commit his life's work to this when there is obviously no future in it?

We have to think about these things and not be a Luddite about it, saying there is no problem; we are not going to think about it; we will just shove it under the rug; we are not for progress; we are for only retaining what we developed back in the 1960s and hoping it will work.

That is very backward thinking. It is very dangerous thinking.

There are a lot of issues involved in this particular amendment. What it

boils down to, though, is this: Our first obligation is to ensure the security of the United States.

One of the pillars of our security is our nuclear deterrent. It must be safe and it must be workable. It must be relevant to the new threats we face. If we are precluded by this amendment from even thinking about those things, we have done a great disservice to our constituents. At a time when we are not at peace but at war with terrorists around the globe and at a time when we are not the only nuclear power, but there are all kinds of countries that we are, frankly, quite concerned about developing nuclear weapons, countries such as North Korea and Iran and others that I could mention, that is exactly the wrong time to be sending the signal this amendment would send; that we are going to stick our head in the sand; we are not going to support scientists thinking about these issues and even potentially recommending to us the development of some kind of new 21st century weapons that could better protect our troops, better protect the American homeland, and better defeat our enemies who would do us harm.

I can't think of any reason why Americans would want to support that kind of a policy. Remember, we have not been successful in deterring other nations by this unilateral embargo on our own testing and development. They have gone right ahead with their programs, some of the worst countries in the world. The ''axis of evil,'' North Korea and Iran, has gone right ahead with their programs. So what makes us think that by the United States continuing this see-no-evil unilateral moratorium that the great moral situation of the United States will prevent these countries from moving right along with their projects? History does not support that view.

Better that we have peace through strength. And strength is the strength of the United States in terms of its commitment, in terms of its scientific capability, and in terms of its willpower to think about what we are going to need to defend America in the future.

I hope my colleagues will defeat this amendment as they have before.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, by prior unanimous consent agreement, it is now the opportunity for Senator BYRD to address the body for 1 hour. I know Senator LINCOLN had one brief statement she wanted to make. If there is no objection, I ask unanimous consent that Senator LINCOLN be permitted to make her remarks at this time, and perhaps the clerk could notify Senator BYRD that his time has arrived.

The PRESIDING OFFICER. Without objection, the Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mrs. LINCOLN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

FCC VOTE ON MEDIA OWNERSHIP RULES

Mr. BYRD. Madam President, in recent weeks, there has been a great deal of discussion about a June 2 vote by the Federal Communications Commission to lift the lid on media ownership rules. Under the new regulations, a broadcast network can own and operate local television stations that reach as much as 45 percent of the Nation.

What does that mean? According to the Consumer Federation of America, television and newspaper mergers will be allowed in about 200 markets where approximately 98 percent of the American people live. TV duopolies, where one owner owns two television stations in the same market, and perhaps even triopolies, where one owner controls three stations in one market, will be allowed in more than 160 markets, covering better than 95 percent of the population.

This is a dangerous vote by the FCC. I fear that it will strangle voices that disagree with corporate interests at virtually every level of news and commentary.

Local news media represent a community's window on the school board, the city council, the county commission. The local media, more than any other resource, educates people about the issues that directly affect their lives. But these new rules, as approved by the FCC, threaten that role by allowing one person or one corporate interest to control such a significant level of discourse and debate. News and information may be forced to fit into a corporate plan or personal agenda.

I have been in Congress for more than 50 years. If there is one lesson that I have learned, it is that the media and politicians share at least one common bond: both rely on public trust for credibility. To earn that trust, the public must know that it can rely on the honesty and integrity of the people in critical decisionmaking positions. Credibility is jeopardized when questions about the veracity of reports are raised or when a news organization is seen more as a biased promoter of opinion rather than as a fair arbiter of fact.

In October 1958, a pioneer of the broadcast industry took the podium at the Mayfair Hotel in Chicago to address his colleagues at the annual convention of the Radio-Television News Directors Association. On that night, when reporters, news directors, sponsors, and network executives gathered together to honor excellence in their industry, Edward R. Murrow called it his duty to speak about what was happening in the radio and television industry.

Mr. Murrow, one of the most honored and respected journalists in our Nation's history, criticized his colleagues for failing in their obligation to the people of this country.

''Our history will be what we make it,'' Murrow said. ''If there are any historians about fifty or a hundred years from now, and there should be preserved the kinescopes for one week of all three networks, they will find there evidence of decadence, escapism, and insulation from the realities of the world in which we live.''

He continued: ''One of the basic troubles with radio and television news is that both instruments have grown up as an incompatible combination of show business, advertising, and news. . . . The top management of the networks, with a few notable exceptions, has been trained in advertising, research, or show business. By the nature of the corporate structure, they also make the final and crucial decisions having to do with news and public affairs. Frequently, they have neither the time nor the competence to do this.''

Here we are, almost 45 years later. What would Mr. Murrow think of today's media? Would he consider the FCC vote a threat to a strong, independent media? The news and broadcast industry has had time to mature, to evolve into what Mr. Murrow hoped would be a responsible venture that exalts the importance of ideas, and not simply panders to the lowest virtues in the human race. Alas, I believe Mr. Murrow would be disappointed in what he would see today.

Instead of exalting ideas, mass media today seem more often than not to worship at the altar of sex, blood, and scandal. Instead of pursuing a higher cause and taking the time to educate the public about the issues and events affecting our everyday lives, we read and hear about things that serve to titillate or divide us.

There are a few voices in the media that attempt to educate, to inform, rather than to incite. But too often these men and women are sent packing because their corporate bosses fear low ratings and a commercial backlash.

This spring, for example, the General Electric-owned cable network MSNBC, fired Phil Donahue from his evening talk show. Mr. Donahue was one of the few voices in the news-talk genre that did not worship at the altar of the salacious story. He did not titillate. He spoke frankly, sharing his beliefs and welcoming those who saw otherwise. And when confronted with a person offering differing opinion, Phil Donahue did not insult or bully that person. Instead, he debated calmly and fairly, and treated his guests with courtesy and respect.

Mr. Donahue was opposed to war in Iraq. He made his views known. He debated, he argued, and he persuaded. But at least one insider at the MSNBC network said that Phil Donahue was fired because the corporate heads at