

planted across our State that will grow into strong oaks under which future generations will rest with ease, more secure because of the work and the legacy of Governor O'Bannon. He was a statesman, indeed.

A calling characterized all too frequently by ego and hubris, Frank O'Bannon was always humble, gentle, giving credit to others, even when he deserved the lion's share. One of his favorite pastimes was to go to his cabin in Harrison County in southern Indiana to commune with nature and watch the wildlife and experience Mother Nature. That is where Frank and Judy O'Bannon were most at home. That speaks volumes about his character, as well.

Let me say a word, too, about Judy. She was an exemplary first lady, leading our State in the celebration of the recent millennium, always concerned that our history and culture never be lost, always reaching out to those in need. She is generous of spirit. I hope her contributions to our State will continue for many, many years to come. Judy O'Bannon has done the people of our State proud.

So today, my colleagues and Mr. President, we mourn, but we can take comfort in the knowledge that our loss has been Heaven's gain, that the life and legacy of Frank O'Bannon will not end with our grieving or with my few inadequate words but will remain everlasting in the hearts of Hoosiers everywhere as long as we can still recall what makes our State such a special place.

I thank my friends and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I think a recess is coming; is that correct?

The PRESIDING OFFICER. That is correct.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004—Continued

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent, despite the recess, to be able to speak 3 minutes in opposition to Senator FEINSTEIN's amendment.

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

The Senator from South Carolina is recognized.

Mr. GRAHAM of South Carolina. Mr. President, I rise in opposition to Senator FEINSTEIN's amendment, certainly not in opposition to her. She is one of my closest friends in the Senate, and I admire her greatly. We just simply disagree on this particular amendment.

Of all the debates we are going to have in the coming months, I think this is one of the most important. The amendment would prohibit the Department of Defense and the Department of Energy from pursuing an advanced concept and research design to transform

some current inventories of nuclear weapons, to be able to do something they cannot do today; that is, to penetrate hardened sites to counter the war on terrorism.

The war on terrorism is like every other war in many ways. The people we are fighting have the same hopes and aspirations as the people who fought in World War II. In Hitler's world, if you were not of a certain ethnic makeup, you could lose your life. And in Hitler's world, there was total obedience to the state. And the Japanese empire had a very intolerant view of the people who were different and disagreed.

The idea that one particular group wants to shape the world in a very harsh fashion has been with us as long as time itself. And in the terrorist world, young girls don't go to school. In their world, there is one way to worship God. It is their way. If you choose to do it some other way, you could lose your life.

So the basic concepts of the war on terrorism are very old. But the way we fight this war is going to take some adapting. The group that wins the war on terrorism will be the group that was able to adapt the best.

Here is what I see coming down the road for the American military, for American policymakers. The terrorist organizations that perpetrated 9/11 and that we are pursuing all over the world today do not have navies and armies, and they do not have a nuclear force as we faced in the former Soviet Union. But they have a desire, unequaled by anybody, to build a nuclear weapon, to acquire chemical and biological weapons. Their desire is great. Their commitment to use it is unquestioned.

Let it be said, without any doubt, if they could get a nuclear weapon, they would use it. If they could get chemical or biological weapons that would hurt millions of Americans or people who believe in freedom, they would use it.

The only way they are not going to use it is to make sure they don't get it. And the best way to make sure they don't get it is to bring them to justice, and to end their ability to finance terrorist activities, to organize, and to project force.

I can foresee in the near future, not the distant future, that terrorist cells will reorganize. They will use some remote part of the world to form their plans, to plot and scheme, and maybe to actually manufacture—some remote part of the world that is very well guarded and not subject to conventional attacks, in a part of the world where it would be hard to get conventional forces to neutralize the terrorist threat. I see that as a very real possibility in the coming decades, in the coming years, maybe even the coming months.

The legislation we have before us would take off the table our ability to adapt our nuclear deterrent force to meet that threat. Look how much money we spent during the cold war to neutralize the Soviet threat—the Star

Wars programs and other ideas that made it very difficult for our enemy at the time to keep pace. It is one of the reasons the world is safer today, because we were able to adapt.

We took our nuclear programs, not to use the weapons, but to prevent those weapons from being used against us. We adapted our nuclear force in a way that eventually won the cold war.

I think that same scenario exists today. We should have on the table the ability of the great minds in this country to adapt, if necessary. And there is nothing in this proposal by the administration to build a weapon. It is to look at our current inventory and see if it can be adapted to a real threat.

I admire Senator FEINSTEIN, but I think her amendment would do a great injustice to the future policymakers and the military men and women of the future when it comes to fighting the war on terrorism because this war has just started. It is not anywhere near over. The major players are still alive, but they are trying to get people to follow in their footsteps. So we are going to be in this war for a long time.

The question before the Senate and before the country is, If we knew that bin Laden, or someone like him, was in some mountain fortress in Afghanistan or some other country, on the verge, within that fortress, of developing a nuclear, chemical, or biological weapon, what would we do to stop it?

I think we should do everything we can to stop it. And the idea of being able to use a redesigned nuclear weapon to keep a terrorist from hitting us with a nuclear weapon is something that we have to come to grips with because it is part of the war on terrorism.

So I hope the Senate will reject Senator FEINSTEIN's efforts to stop this inquiry because this is an inquiry that needs to be made sooner rather than later. I think the Bush administration is on the right course and the right path in taking the great minds of our time and letting them adapt our nuclear force to the coming threats because the coming threats are not from the Soviet bloc countries; they are going to be our allies. The coming threats are from people who hide in faraway places, deep in the bowels of the earth, with great hatred in their hearts.

We need to meet that threat. So I ask each Member of the Senate to dig within their heart and to make sure their vote does not take an option off the table that may well save this country from something we never experienced: a major nuclear, chemical, or biological attack.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. TALENT).

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004—Continued

Mr. REID. Mr. President, I expected Senator DOMENICI to be in the Chamber. We have a couple of amendments we wanted to clear before the vote began, but he is not present. So Senator FEINSTEIN should go ahead and start her debate if she cares to.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask the minority whip how much time I have.

Mr. REID. Before I respond, Senator DOMENICI is present and we will be happy to extend the time of the Senator if we need to.

AMENDMENTS NOS. 1665, 1666, 1667, AND 1668 EN BLOC

Mr. REID. Senator DOMENICI and I have been working on a number of issues. I send a series of four amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendments numbered 1665, 1666, 1667, and 1668 en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1665

At the appropriate place insert the following:

WORKING CAPITAL FUND
(RESCISSION)

From unobligated balances under this heading \$4,525,000 are rescinded.

AMENDMENT NO. 1666

On page 32, line 10 strike "853,517,000" and insert in lieu thereof "859,517,000".

AMENDMENT NO. 1667

At the appropriate place insert the following:

SEC. . That of the funds provided, an additional \$3,000,000 shall be available for the Middle Rio Grande, NM project and an additional \$3,000,000 shall be available for the Lake Tahoe Regional Wetlands Development project.

AMENDMENT NO. 1668

On page 33, at the end of line 12 insert the following:

"BUREAU OF RECLAMATION LOAN PROGRAM
ACCOUNT

For administrative expenses necessary to carry out the program for direct loans and/or

grants, \$200,000, to remain available until expended, of which the amount that can be financed by the Reclamation Fund shall be derived from that fund."

Mr. REID. Mr. President, our staff has worked on these amendments during the last several days. I ask they be agreed to en bloc.

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

The amendments (Nos. 1665 through 1668) en bloc were agreed to.

Mr. REID. I ask that the Senator from California be given an extra minute from the time we just took.

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

The Senator from California.

AMENDMENT NO. 1655

Mrs. FEINSTEIN. Mr. President, I ask the Chair to let me know when 7 minutes have expired so I can defer to my cosponsor, Senator KENNEDY.

The PRESIDING OFFICER. The Chair will inform the Senator.

Mrs. FEINSTEIN. Mr. President, I also ask unanimous consent that the names of Senators JOHNSON, MURRAY, CLINTON, and ROCKEFELLER be added to our amendment as cosponsors.

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

Mrs. FEINSTEIN. Mr. President, yesterday Senator KENNEDY and I came to the floor and we spent some time arguing on behalf of an amendment to this bill which contained language similar to what was recently past by a large majority in the House of Representatives. The bill passed by the House of Representatives struck the language that appropriates funds to begin a new generation of nuclear weapons.

Now, there are some on the other side who say, and continue to say, this is just a study; there is no development. I believe that is not the case. Let me connect the dots for you.

In January of 2002, the administration put forward a Nuclear Posture Review which advocates the development of new types of nuclear weapons. Later that year, the President signed National Security Directive 17, indicating that the United States might use nuclear weapons first to respond to a chemical or biological attack.

Earlier this year, a decade-old prohibition on the development of low-yield nuclear weapons was rescinded in the Defense authorization bill. For 10 years, this kind of thing was prohibited. That prohibition, known as the Spratt-Furse amendment, was repealed earlier this year.

This spring a statement of administration policy for the Defense authorization bill clearly included support for the research and development of low-yield nuclear weapons.

In this bill the Senate is being asked to provide the dollars to begin this effort—\$15 million for the study of a robust nuclear earth penetrator. We are talking in excess of 100 kilotons; \$6 million for advanced concepts research, including low-yield weapons; funding for enhanced test site readiness; and a

huge new \$4 billion plutonium pit facility—all of this when we are already spending \$2.3 billion for a Los Alamos facility that can provide replacement for the U.S. nuclear stockpile.

We are strongly opposed to America beginning a new generation of nuclear weapons. We are opposed to it for two reasons: No. 1, the low-yield nuclear weapon—under 5 kilotons—essentially begins to blur the use between conventional and nuclear weapons, therefore making it easier to use. And, No. 2, because the world will watch this and the world will respond. The way in which they will respond is with a new nuclear arms race.

If the United States begins to develop tactical, battlefield nuclear weapons, how long will it take for two indigenous nuclear powers, namely India and Pakistan, arch enemies, to say we should do the same thing. How long will it take for North Korea or Iran or any other nation that so seeks to begin such a similar program?

As many internationally have said: America preaches nonproliferation, and then it goes ahead and develops new nuclear weapons.

I think that is hypocritical. I do not think this country should be in that position.

So we strike these items; we fence two, we place the rest of the money in deficit reduction.

I want to say a few words about the nuclear pits because I think there is some misunderstanding. Although current production capacity may be limited, it is simply not true, as some have asserted, that the United States lacks the capacity to manufacture replacement pits. According to the Department of Energy's own Web site:

The first pit that could be certified for use in the stockpile was manufactured in April 2003 as a first step to establish an interim—10 to 20 pits per year—production capability at Los Alamos in 2007.

And the Los Alamos facility can be modified to produce 150 pits a year.

Although the exact number is classified, reputable open sources estimate that there are between 5,000 and 12,000 extra pits in reserve at Pantex, beyond the 10,600 current intact warheads.

The average age of the plutonium pits in the U.S. stockpile is 19 years, and the Department of Energy estimates a pit minimum life to be between 45 and 60 years, with no life-limiting factors.

This is the beginning. This money will go to field a new generation of nuclear weapons. We should not do this. The House had the good sense to eliminate this language. The Senate should follow.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? Who yields time?

Mrs. FEINSTEIN. I yield 4 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. Five minutes ten seconds.