

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time that has not been used is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and other purposes.

Pending:

Kennedy amendment No. 3263, to prohibit the use of funds for the support of new nuclear weapons development under the Stockpile Services Advanced Concepts Initiative or for the Robust Nuclear Earth Penetrator (RNEP).

Reid (for Leahy) amendment No. 3292, to amend title 18, United States Code, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts.

Dodd modified amendment No. 3313, to prohibit the use of contractors for certain Department of Defense activities and to establish limitations on the transfer of custody of prisoners of the Department of Defense.

Smith/Kennedy amendment No. 3183, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes.

The PRESIDENT pro tempore. The Senator from Colorado.

AMENDMENT NO. 3263

Mr. ALLARD. Mr. President, I understand we now have the Defense authorization bill before us and an amendment to that bill, which is the Kennedy-Feinstein amendment; is that the regular order?

The PRESIDENT pro tempore. The Senator is correct.

Mr. ALLARD. I thank the Chair. I yield the floor. The sponsor of that amendment wishes to make a few comments, and I wish to follow with a few comments.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senator AKAKA be added as a cosponsor of the Kennedy-Feinstein amendment No. 3263.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand we have a time allocation of 50 minutes.

The PRESIDENT pro tempore. There is an allocation of 50 minutes on each side on the Kennedy amendment.

Mr. KENNEDY. On our side, the Senator from Michigan, our ranking member, has been allocated 10 minutes.

The PRESIDENT pro tempore. The Senator from Michigan is allocated 10 minutes; the Senator is correct.

Mr. KENNEDY. Mr. President, I yield myself 12 minutes.

We face many different issues in foreign policy, national defense, and the war on terrorism. But one issue is crystal clear: America should not launch a new nuclear arms race.

We want our children and grandchildren to live in a world that is less dangerous, not more dangerous—with fewer nuclear weapons, not more. But that is not the course that the Bush administration is taking. Even as we try to persuade North Korea to pull back from the brink—even as we try to persuade Iran to end its nuclear weapons program—even as we urge the nations of the former Soviet Union to secure their nuclear materials and arsenals from terrorists—the Bush administration now wants to escalate the nuclear threat by developing two new kinds of nuclear weapons for the United States—mini-nukes that can be used more easily on the battlefield, and bunker busters to attack sites buried deeply underground.

As President Reagan would say, “There you go again”—another major blunder in foreign policy. Our goal is to prevent nuclear proliferation. How does it help for us to start developing a new generation of nuclear weapons?

It’s a shameful double standard. As Mohammed El Baradei, the director of the International Atomic Energy Agency, said in an address to the Council of Foreign Relations in New York City said last month, “there are some who have continued to dangle a cigarette from their mouth and tell everybody else not to smoke.”

The specter of nuclear war looms even larger with the ominous statements of senior officials in the Bush administration that they in fact consider these new weapons more “usable.” If the Bush administration has its way, the next war could very well be a nuclear war, started by a nuclear first strike by the United States.

It is hard to imagine a dumber idea. The amendment that the Senator from California and I are offering will put a halt to the Bush administration’s plan to develop these new nuclear weapons. Just as “lite” cigarettes still cause deadly cancer, lower yield nuclear weapons will still cause massive death and destruction. No matter what you call them, a nuclear weapon is a nuclear weapon.

They still incinerate everything in their path. They still kill and injure hundreds of thousands of people. They still scatter dangerous fallout over hundreds of miles. They still leave vast areas that are radioactive and uninhabitable for years to come.

There are few more vivid examples of the misguided priorities of the Bush administration. For the past 15 months, our troops in Iraq have been under fire every day. They were sent into battle without the latest and best bulletproof vests and without armored Humvees. They were placed at greater risk, denied the basic equipment they

needed to protect themselves and do their jobs. Meanwhile, the Bush administration is urging Congress to provide hundreds of millions of dollars for new nuclear weapons.

The mini-nuke has a yield of five kilotons or less. That’s still half the size of the atomic bomb dropped on Hiroshima that killed more than 100,000 people—at least a third of the city’s population. Is it somehow more acceptable to produce a modern nuclear bomb that kills only tens of thousands instead of a hundred thousand?

The Bush administration also has extensive plans to develop the “bunker buster,” or, as the administration calls it, the Robust Nuclear Earth Penetrator. It would carry a nuclear warhead of around 100 kilotons—ten times the size of the bomb dropped on Hiroshima. It would be placed in a hardened cone capable of burrowing deep underground before exploding.

Even with today’s advanced technology, they would still spew thousands of tons of radioactive ash into the atmosphere.

There are more effective ways to disable underground bunkers. Using today’s highly accurate conventional weapons, we can destroy the intake valves for air and water. We can knock out their electricity. And we can destroy the entrances, preventing people and supplies from going in or getting out.

In fact, by rushing to develop these weapons, the Bush administration misses the point. The challenge of destroying deep underground bunkers is not solved with nuclear weapons. It will be solved by developing missile cones that can penetrate deeper into the earth without being destroyed on impact.

The bill before us authorizes a study of these two new nuclear weapons systems. It provides \$9 million for the development of advanced concepts for nuclear weapons, the so-called “mini-nukes,” and more than \$27 million for the robust nuclear earth penetrator, the so-called bunker busters.

Those who support the development of these weapons suggest that it is only research and that the research will have little effect on the rest of the world. The supporters of these weapons argue that since the funds are limited to research, the administration will not go on to produce these weapons without congressional approval. That is what Secretary Rumsfeld claimed when he testified before the House Appropriations Committee in February. He said that what has been proposed is some funds be used to study and determine the extent to which a deep earth penetrator conceivably could be developed, what it would look like, and whether it makes sense to do it. There are no funds in here to do it. There are no funds in here to deploy it since it does not exist.

The administration’s own budget contradicts that statement. Its budget assumes we will spend \$485 million on