

THE STOCKPILE STEWARDSHIP PROGRAM AND THE COMPREHENSIVE TEST BAN TREATY REVISITED

Mr. LUGAR. Mr. President, I rise today to discuss a subject of major importance to the national security of the United States—the maintenance of our nuclear weapons stockpile.

For most of the nuclear age, the United States has relied on nuclear testing to ensure that our nuclear weapons remained safe, secure, and reliable. Our country conducted more than one thousand nuclear tests in furtherance of these goals. In July 1992, President George Bush announced that the United States would suspend underground testing. We initiated the Stockpile Stewardship Program, which was designed to replace detonations at the Nevada Test Site with computer simulations.

In 1999, concerns about the Stockpile Stewardship Program were a critical element of the Senate debate over ratification of the Comprehensive Test Ban Treaty. It was unfortunate that the Senate was forced to take up the treaty in a highly politicized atmosphere. The CTBT was not a new subject, but in 1999, the Senate was not prepared to develop the consensus necessary to ratify a major treaty with far-reaching consequences for U.S. security.

I opposed ratification of the CTBT, because I did not believe that the treaty's verification and enforcement provisions would be successful. Equally important, I was concerned about our ability to maintain the integrity and safety of our nuclear arsenal under the conditions imposed by the treaty.

The United States must maintain a reliable nuclear deterrent for the foreseeable future. The end of the cold war provided tremendous national security benefits, but the necessity of our nuclear deterrent did not disappear. The transformation of the former Soviet Union has permitted the United States to consider lower numbers of nuclear weapons, but the current security atmosphere does not permit us to consider their elimination.

Our nuclear arsenal continues to play a critical role in ensuring the security of the American people. It also plays a role in the security calculations of friends and allies around the world. Many of them have foregone potentially destabilizing arms build-ups and weapons procurement programs because of the nuclear umbrella provided by the United States.

During the CTBT debate, I expressed my concern that the Senate was being asked to trust the reliability of our nuclear stockpile to a Stockpile Stewardship Program that was both unproven and unlikely to be fully operational for a decade or more.

There remains strong disagreement among many nuclear experts and national security leaders about the efficacy of maintaining a nuclear stockpile without testing. As Senators, we do not have the luxury of taking a

chance on the Stockpile Stewardship Program. The restrictions imposed by the CTBT could have harmed the national security of the United States if we could not ensure the safety and reliability of our nuclear weapons stockpile without testing. We cannot allow our nuclear weapons to fall into disrepair or permit their safety to be jeopardized.

Now unfortunately, little progress in advancing the Stockpile Stewardship Program appears to have occurred since the 1999 Senate debate. Our new Secretary of Energy, Spencer Abraham, recently testified before the Armed Services Committee that:

The Department of Energy has allowed its nuclear-weapons production plants to degrade over time, leaving a tremendous backlog of deferred maintenance and modernizations. The deterioration of existing facilities is a very serious threat.

Under the Stockpile Stewardship Program, the United States will depend on these facilities to inspect our nuclear arsenal and to replace degraded weapons.

I am particularly concerned by the uncertainty surrounding the construction of the National Ignition Facility, the NIF, which was profiled in a recent episode of the "Jim Lehrer NewsHour." The NIF is intended to play a key role in the Stockpile Stewardship Program and the annual certification of the U.S. nuclear stockpile. The National Academy of Sciences and others recommended the construction of the NIF, which will simulate thermonuclear conditions. This facility would be critical to evaluating our nuclear weapons arsenal in the absence of testing. The Academy stated that such a facility was necessary because nearly all of the 6,000 parts of a nuclear weapon change with age.

Yet at present, the NIF is 4 years behind schedule and approximately \$1 billion over budget. These are dismal omens. Even more disconcerting is that the National Science Foundation and others have estimated the NIF's chances of success at only about 50 percent. It is alarming to learn that the possibility of success for a critical component of our Stockpile Stewardship Program can only be characterized as 50/50.

Some supporters of the CTBT, the Comprehensive Test Ban Treaty, have suggested that the stockpile could be maintained without the NIF by replacing old warheads with new warheads manufactured to the same specifications as the originals. They also have posited that current warheads could be rebuilt with fresh nuclear material.

Yet many nuclear experts regard these strategies as unreliable. This is why both the former Bush and Clinton administrations moved forward on the Stockpile Stewardship Program. According to the Lawrence Livermore National Laboratory, it is impossible to guarantee that new warheads manufactured to old specifications will work reliably. Neither is replacing the nu-

clear core of existing weapons a viable option. Nuclear material contained within weapons changes with age. As the nuclear material changes, so does its effects on the other components of the warhead. If one attempted to maintain weapons by periodically replacing their nuclear cores, the older warhead components around the pits would not be matched to the new nuclear material. Under these conditions, the warheads would not necessarily function as originally designed.

Even many proponents of the CTBT do not believe that U.S. nuclear weapons can be maintained in the absence of an effective Stockpile Stewardship Program. Most notably, former Chairman of the Joint Chiefs of Staff, General John Shalikashvili, who conducted extensive review of the CTBT following the Senate's rejection of the treaty, outlined the need for an effective Stockpile Stewardship Program. His review emphasized that the program was needed to provide the people, knowledge, equipment, and facilities necessary to accomplish three tasks: First of all, to enhance surveillance of weapons in the stockpile to monitor for age-related changes and to identify other defects; second, to deepen the scientific understanding of how nuclear weapons work and how they age so that we are better able to spot potential defects; and, third, to remanufacture components and refurbish warheads using an updated nuclear weapons complex. General Shalikashvili offered his strong support for the Stockpile Stewardship Program and reiterated its necessity in the absence of testing.

But if we are going to depend on the Stockpile Stewardship Program, it must be reliable and accurate. Recently, the Panel to Assess the Reliability, Safety and Security of the U.S. Nuclear Stockpile found:

... growing deficiencies in the nuclear weapons production complex, deep morale and personnel problems, continued slippage of program milestones, and unacceptably high risks to the completion of needed weapons refurbishments.

The panel, established by Congress in the 1999 Defense authorization bill, was tasked with providing an assessment of the Stockpile Stewardship Program. The panel's concerns led to numerous recommendations, including: one, stopping the slippage in stockpile life-extension programs; two, restoring missing production capabilities and refurbishing the production complex; three, stopping the slippage in development of tools needed to make future assessment of the stockpile's safety and reliability; and four, responding to the low morale at the weapons laboratories. The panel concluded that the problems within our nuclear weapons complex are "unacceptable," and they warned that the situation could decline further. The report states that:

Worrisome deterioration of nuclear components has already been found. Moreover, the history of the stockpile has demonstrated many surprises, and weapons are entering an

age regime for which we have no prior experience.

Furthermore, the Stockpile Stewardship Program simply will not be ready in the near term, even if its deficiencies can be fixed. Dr. Michael Anastasio, the associate director of defense and nuclear technologies at the Livermore Lab, has stated that we will not know for “at least ten years” whether the Stockpile Stewardship Program can be a viable replacement for testing.

I am concerned that while our country's nuclear experts are still debating the composition and efficacy of the Stockpile Stewardship Program, we not rush into another ill-prepared attempt to ratify the CTBT. It is difficult to envision how the Senate could be asked to reverse its position of 2 years ago by placing its faith in a program that not only is incomplete, but whose exact components are still a source of debate.

Some proponents of the treaty have argued that the United States can ratify the CTBT regardless of potential stockpile problems, because the United States has the ability to withdraw from the treaty should we lose confidence in our stockpile. I disagree. First, the Clinton administration originally cited withdrawal as an emergency escape hatch, not an option on which to base nuclear policy. And second, withdrawing from the treaty would send a damaging signal to our allies and foes around the world on the status of our nuclear stockpile.

If the U.S. were to abrogate the CTBT, citing the safety and reliability of the stockpile, our friends and allies would question the credibility of the nuclear umbrella itself that plays a vital role in their security. Enemies and foes would question America's strength and confidence in the status of our nuclear arsenal.

Secretary of State Colin Powell stated during his confirmation hearing that the administration “will not be asking for the Congress to ratify the Comprehensive Test Ban Treaty in this next session.” I believe this is a wise course of action. The United States may be in a position to ratify the CTBT at some point in the future, but not today.

I understand the impulse of proponents of the CTBT to express United States leadership in another area of arms control. Inevitably, arms control treaties are accompanied by principles that envision a future in which international norms prevail over the threat of conflict between nations. However, while affirming our desire for international peace and stability, the U.S. Senate is charged with the constitutional responsibility of making hard judgments about the likely outcomes of treaties. This requires that we examine the treaties in close detail and calculate the consequences of ratification for the present and the future. Viewed in this context, I could not support the treaty's ratification in 1999, nor for the

reasons I have just expressed could I support ratification now.

The Bush administration's position not to request immediate Senate consideration of this treaty is prudent. I am hopeful that proponents and opponents alike will not force the Senate into another counterproductive debate, particularly when prospects for a different outcome in the Senate have not improved since 1999.

Instead, we should reinvigorate bipartisan efforts on the broader question of arms control and non-proliferation, as well as explore improvements in technology. Even during the fractious CTBT debate in the Senate, many of us on both sides of the issue, including Senators WARNER, LEVIN, and Moynihan, were working together to delay treaty consideration and build a consensus on arms policy for the short term.

Our goal now should be to achieve sufficient technological progress to permit confidence in the Stockpile Stewardship Program. Both proponents and opponents of the CTBT have a mutual interest in this goal, because the safety and reliability of our weapons depend on it. I have urged the Bush administration to maintain a strong commitment to the program and support the funding necessary to correct problems.

In addition, the United States should work with allies to develop technological means through which we might improve verification techniques and capabilities. The current shortcomings of the CTBT's verification regime are very serious, but we should remain open to diplomatic or technological developments in the long run.

I am confident that there does exist within the Senate a strong desire to work toward a consensus on arms policies. I urge my colleagues to join in this effort.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, the managers are not on the floor. I will wait to offer my amendment until there is a manager on the other side. I want to speak for 10 minutes as in morning business. I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business and then be allowed to lay down my amendments.

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

Mr. WELLSTONE. I thank the Chair.

#### TAX CUTS

Mr. WELLSTONE. Mr. President, I will return to the bankruptcy bill. We

marked up an education bill in the HELP Committee. There were a number of us who said we will vote for the bill out of committee in part because I do think Senator JEFFORDS, Senator KENNEDY, and others did yeoman work in trying to work together, and in part because there are some parts of this bill that are very important.

For my own part, for several years now, I have been trying to get us to adopt legislation which deals with children who witness violence in their homes. There has been, thank God, more of a focus on the violence against women—sometimes men, almost always women. Every 13 seconds during the day, a woman is battered. Home should be a safe place.

There has not been a whole lot of focus on children who witness this violence and the ways in which it affects their work in schools. All too often, these children fall between the cracks.

An amendment was adopted to bring together out of the schools some critical support services for these children.

I want to repeat what I said during the committee markup, which is, if this bill, the reauthorization of the Elementary and Secondary Education Act, comes to the floor before we have had an honest and thorough discussion of the budget and before we have some idea of the context of the tax cuts to the budget, then I will be in strong opposition. I hope Senators on our side and on the other side will be as well. Let me explain.

First, I find the President's tax cut proposal to be Robin Hood in reverse. Anytime over 40 percent of the benefits go to the top 1 percent and anytime one-third of the children in our country are living in homes that do not get a dime from this, and over 50 percent of African American children live in families that do not get a dime, and 56 percent of Hispanic children live in homes that do not receive one dime from this “tax relief” because it is not refundable, then something is terribly wrong with such a piece of legislation. I do not think it meets any standard of fairness. That is part of the problem.

But there is another part of the problem. I hope Democrats will be strong on this because the fact of the matter is, here is where you draw the line: If you are saying that we are going to have Robin-Hood-in-reverse tax cuts with over 40 percent of the benefits going to the top 1 percent, but we are not going to be able to afford prescription drug costs for elderly and other families, then I think Democrats draw a line there.

If we are going to have Robin Hood in reverse, with over 40 percent of the benefits going to the top 1 percent, but, as a matter of fact, we are not going to realize the goal of leaving no child behind, and, as a matter of fact, we are going to have a tin-cup budget for education, and, as a matter of fact, we are not going to expand the title I program where only 30 percent of low-income children are able to get any help right