

The administration is learning that force and confrontation are not a solution to the non-proliferation problem. Saddam Hussein's weapon of mass destruction program was not an imminent threat. Continued inspections and indefinite monitoring which were envisioned under the U.N. resolutions would have contained his program. Confrontation with North Korea has led to an acceleration of the North Korean nuclear program not its demise. Now the administration must negotiate seriously with North Korea to bring and end to the crisis and create a new security regime in the Northeast Pacific.

The administration should understand more and more types of nuclear weapons will not guarantee deterrence, prevent the proliferation of WMD, prevent war or conflict. In fact, during the cold war we found our ever increasing nuclear arsenal could not achieve these goals. Paranoid, pygmy or pariah states, as Professor Richard Betts once characterized them, sought nuclear weapons for their defense due to their imagined or justified fears, their perceived conventional weaknesses, or because of their outcast status. Nuclear weapons did not prevent the Korean war, the Vietnam war, the Arab-Israeli wars, or the Soviet invasion of Afghanistan.

Deterrence has many components: nuclear forces, conventional forces, strong alliances, a strong economy, and a strong resolve among them. At this moment in history we need an intelligent diplomacy, strengthened alliances and capable conventional forces more than we need more and new types of nuclear weapons.

We have enough nuclear weapons to maintain nuclear deterrence. If anything, we should be seeking ways to further reduce ours and other countries' nuclear arsenals, not add to them. Talk to the contrary by promoters of new nuclear weapons misrepresents the strength of our existing forces and our resolve. We are sending the wrong message about our military strength.

I urge my colleagues to reject funding for these new nuclear weapon designs.

I urge my colleagues to vote for Senator FEINSTEIN's amendment.

Mr. DOMENICI. Mr. President, if I might have the attention of Senator REID, it has come to my attention, for a reason involving an individual Senator, that it would be more accommodating if we started our vote at 2:45. Does the Senator have any objection to that?

Mr. REID. I modify the request that the time between 2:15 and 2:45 be equally divided between both sides, Senator DOMENICI controlling 15 minutes and Senator FEINSTEIN controlling 15 minutes.

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

Mr. DOMENICI. I indicate to the Senate that we will have a few minutes be-

fore the vote. I will summarize again and we will have handouts if anyone needs to know what this Senator thinks the issues we will vote on are.

In summary, No. 1, there is no authorization to build any new nuclear weapons. We are building none now. We have not built any for a long period of time.

No. 2, a portion of this bill says the Nevada Test Site will be made ready so it can be used in 18 months rather than 3 years. Almost everyone knowledgeable in the field thinks it is high time that happened.

No. 3, there is a small amount of money to begin planning, designing and feasibility, for a pit manufacturing facility. We are the only nation with nuclear weapons which has no spare pits, plutonium pits, the essential ingredient. We have tried to make them in Los Alamos. It is makeshift and it has been very expensive.

It is clearly indicated for the next 40 or 50 years we need to build a facility. This bill provides a start on that long-term effort.

Not yet have I said anything about new weapons or America engaging in a new course of conduct with respect to nuclear energy. That is not happening.

Next, the bill says, do not tie the hands of our great scientists with reference to the future. Let them study, let them think, let them design, but do not let anyone build any new weapons. Let them think about the future and what might be needed in light of the changed circumstances in the world. It is very prudent to do that.

In all three regards, there are clear cases the Feinstein amendment should fail. I hope it does so we can proceed ahead with these things that are necessary.

I yield whatever time the distinguished Senator from Indiana needs. I share my grave concern and condolences over the death of his esteemed Governor.

I yield the floor.

TRIBUTE TO GOVERNOR FRANK O'BANNON

Mr. BAYH. I thank my colleague from New Mexico, and I thank all Members of this body.

It is with a sense of melancholy but also gratitude that I rise today to celebrate the life of Frank O'Bannon. He died as he lived, in service to the people of the State of Indiana.

Frank O'Bannon was my friend and spent the best years of his life in public service: 18 years following in the footsteps of his father in the Indiana State Senate where he served as the leader of the Democratic Party; 8 years as lieutenant governor where we enjoyed a seamless partnership working on behalf of the people of our State, always a source of wise counsel, support, and encouragement; in these last 7 years, working on behalf of the people as Governor of the State of Indiana.

His accomplishments were many and will be everlasting in memory. His de-

votion to education was second to none. He fought for higher academic standards, a system of assessments to determine how children are doing toward meeting those standards, and taking aggressive steps to ensure that every child across our State would have access to the skills necessary to make the most of their God-given abilities.

He worked tirelessly first as lieutenant governor and then as Governor on behalf of a better economy, more job opportunities for the people of Indiana. Particularly during these recent difficult years he doubled his efforts to ensure that our State would be competitive with not only our neighboring States but also with those with which we compete from abroad.

Frank O'Bannon cared about a better quality of life for all Hoosiers. He worked tirelessly for better health care for the citizens of our State, particularly for the young. I am so very proud the State of Indiana ranks at the top in the country in terms of how we have used the new CHIP Program to extend health care benefits to disadvantaged children across our State. I was privileged to work with him in my capacity in the Senate to ensure our State continued to receive full funding for our efforts.

Frank O'Bannon had many other important contributions in his legacy. Most recently I had a chance to visit the new White River State Park in Indianapolis and the magnificent Historical Society Center in Indianapolis where he hosted, along with our first lady, Judy O'Bannon, the other Governors from across the country to showcase the magnificent place that Indianapolis has become. The Historical Society was a wonderful setting for the Governors. We had a chance to display the finest of Hoosier heritage for the entire country.

The White River State Park will be a magnificent urban park attracting not only tourists from across the State but also business and industry as leaders of finance seek a better quality of life for their employees. His contributions to that effort were substantial, as well.

I believe Frank O'Bannon was a special man not for his material accomplishments but instead for the kind of man he was. There is an old saying that character is destiny. I believe that is true. Therefore, it is no wonder that Frank O'Bannon accomplished so much. He was a man of true and outstanding character, indeed. In all my years of association with him I never once saw him do something that was mean or petty. He understood very well that it is far better to be loved than feared. Even more, I always saw him place self-interest behind the public good, truly remarkable during an age of cynicism and skepticism about those in public life.

There is an old proverb that says the definition of a statesman is someone who plants a tree in whose shade he will never rest. Seedlings have been

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).