

The explosion occurred when Don Logan, the director of Scottsdale's Office of Diversity and Dialogue, opened a notebook sized package addressed to him that was carrying a bomb. The blast left a 3½ inch-wide hole in Logan's desk and shot shrapnel into the walls, ceiling and floor. Logan, 48, suffered serious burns on his hands and arms.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### A CREDIBILITY GAP ON NEW NUCLEAR WEAPONS

Mrs. FEINSTEIN. Mr. President, I rise today to address what I consider a large and serious issue—U.S. nuclear weapons policy—and update the Senate on what has been happening.

In particular, I am concerned about the apparent reopening of the nuclear door by the United States and the further research and development of a new generation of nuclear weapons.

I serve as a member of the Senate Appropriations Committee, on both the Energy and Water and Defense Subcommittees, and have had an opportunity to participate in the committee and conference debates on this issue.

Despite earlier claims to the contrary, by all appearances the Bush Administration is seeking to develop a new generation of nuclear weapons.

This includes both the Robust Nuclear Earth Penetrator, which is a 100-kiloton "bunker buster", and so-called Advanced Concepts, which translate into low-yield battlefield nuclear weapons, below 5 kilotons.

The first hints of this policy came in the administration's 2001 Nuclear Posture Review—which was leaked to the press in early 2002.

The review cited the need to develop a new generation of tactical nuclear weapons, blurring the lines between conventional and nuclear forces.

According to press reports, it named seven countries against which it would consider launching a nuclear first strike: North Korea, Iraq, Iran, Syria, Libya, China, and Russia.

And it proposed a "new triad," in which nuclear and conventional weapons co-exist along the same continuum.

This blurs the distinction between nuclear and conventional weapons and suggests that they could be used as offensive weapons.

Subsequently, in the Defense Authorization Bill last year the Administration sought, and ultimately obtained permission, to repeal the 10-year old Spratt-Furse Amendment, which prohibited research to develop a low-yield, less than 5 kiloton, nuclear weapon.

Spratt-Furse has served as a "brake" on nuclear weapons development for the past decade. Now, it is gone.

I argued against the repeal of Spratt-Furse on the floor, and working with Senator KENNEDY, I offered an amendment to maintain it. Unfortunately, we did not prevail.

What really concerns me is that, throughout all of this, the Administration continues to deny their intention to develop new nuclear weapons.

For example, Secretary of Energy Spencer Abraham, in a Washington Post op-ed on July 21, 2003, stated: "... we are not planning to develop any new nuclear weapons at all."

And Secretary of Defense Donald Rumsfeld, in response to a question I asked him at a Defense Appropriations Subcommittee hearing on May 14, 2003, stated that the work the Administration was undertaking was "just a study", and that there were no plans to build new weapons.

This defies credibility.

Well, if one really wants to know what is happening, the best thing to do is to track where the Administration is asking for and spending money.

And when you do, you find that the administration is putting major resources into researching new nuclear weapons.

For instance, last year's budget request included: \$15 million for the study of the development of the Robust Nuclear Earth Penetrator; \$6 million in funding for Advanced Nuclear Weapons Concepts, including the study for development of low-yield, battlefield weapons; \$24 million to increase the Nevada Test Site's time-to-test readiness posture from the current 36 months to 18 months; and, \$22 million for site selection for the Modern Pit Facility, which is a facility to build nuclear triggers for our Nation's stockpile of nuclear weapons.

This would be a \$4 billion plant to make up to 450 new "pits" per year, some of which could be designed for new weapons.

Four-hundred-and-fifty pits is larger than China's entire nuclear arsenal, so this production capacity raises questions about the number of weapons the Administration wants in the U.S. arsenal.

Currently, the United States has approximately 15,000 warheads. Under the Moscow Treaty, the U.S. is to decrease its strategic nuclear force to 1,700 to 2,200 warheads by 2012.

To maintain a 2,200 warhead nuclear force at replacement level, we would only need to build 50 pits a year, not 450. Fifty pits a year can be handled at Los Alamos. So why build a new facility, with a production capacity of 450 pits a year?

This country doesn't need that much production unless plans are underway to increase the size of our nuclear arsenal, including a new generation of nuclear weapons.

Last year, those of us opposed to developing tactical nuclear weapons did have some success in limiting these programs.

Working with others in the House and Senate, we managed to: cut the

funding for the Robust Nuclear Earth Penetrator in half, to \$7.5 million; condition \$4 million of the \$6 million for Advanced Concepts on further reporting and planning on Stockpile Stewardship; and contain spending on the Modern Pit Facility to \$10 million, a \$12 million reduction.

Critically, we also managed to win passage of a requirement that any move to develop a Robust Nuclear Earth Penetrator further than the 6.2A phase require a specific congressional authorization.

As many of my colleagues know, there is a formal set of phases by which new and modified nuclear weapons move through research, development, production, deployment, and retirement.

As a recent CRS report states, "The Key phases for Robust Nuclear Earth Penetrator are: phase 6.2, feasibility study and down select; phase 6.2A, design definition and cost study; phase 6.3, development engineering in which the nuclear weapons labs produce a completed warhead design; and phase 6.4, production engineering, in which the design is adopted for production and a system to manufacture the weapon is created."

So when the administration wants to move beyond 6.2A to 6.3 and into the development engineering phase, they need specific Congressional authorization.

Continuing its efforts, the administration came back this year and asked for significantly more funding for research into new nuclear weapons.

Indeed, the administration's budget requests before Congress this year total some \$96.5 million, and makes it clear that there are those in this administration who are deadly serious about the development and deployment of a new generation of nuclear weapons.

The administration's FY 2005 budget request calls for: \$27.5 million for the Robust Nuclear Earth Penetrator; \$9 million for Advanced Concepts Initiative, which includes so-called "low yield" weapons (under 5 kilotons); and \$30 million for the Modern Pit Facility.

This is just the tip of the iceberg. The Congressional Research Service now reports that the administration's own long-term budget plans, including \$485 million for the Robust Nuclear Earth Penetrator between 2005 and 2009, "cast doubt" on the contention that the study of new nuclear weapons are, in fact, only a study.

This ramp-up in funding can mean one thing: the administration is determined to develop and deploy a new generation of nuclear weapons.

Yes, the administration is seeking to re-open the nuclear door and is seeking more "usable" nuclear weapons:

The Robust Nuclear Earth Penetrator, for use in launching first strikes to reach deeply embedded command bunkers; and

Tactical nuclear weapons, for possible use on the battlefield.

The logic of the Robust Nuclear Earth Penetrator, for instance, is that there are certain scenarios in which the United States could need a nuclear weapon to destroy deeply buried targets—such as command bunkers—which could not be effectively targeted by conventional weapons.

The goal would be to develop a weapon that could burrow into the earth deep enough so that it would be “anti-septic”, with fallout contained deep beneath the surface, 500-1000 feet below the surface.

There are three problems with this:

First, a casing that can drill down 800-1000 feet before the warhead explodes does not exist. While the U.S. has technologically sophisticated missiles, there is no such casing at this time.

Second, advanced conventional munitions can shut down air vents, cut-off electricity, and render these targets harmless.

Third, and most critically, it is not possible to contain the radioactive fallout from these weapons—and the radioactive fallout is enormous.

According to Stanford University physicist Sidney Drell, even a one-kiloton weapon detonated 20-50 feet underground would dig a crater the size of ground zero and eject a million cubic feet of radioactive debris into the air. The Robust Nuclear Earth Penetrator is a 100 megaton weapon, so magnify that by 100-fold.

You would need to burrow more than 800 feet into the earth before the weapon exploded in order to contain the fallout from the Robust Nuclear Earth Penetrator. The maximum feasible depth we can bury a warhead into the earth today is about 35 feet.

Use of the Robust Nuclear Earth Penetrator would be a cataclysm of the highest order. Using one might well take out a buried North Korean bunker, but would also kill tens of thousands, if not hundreds of thousands in both North and South Korea and, depending on wind patterns, either China and Japan as well.

So the idea that the Robust Nuclear Earth Penetrator would provide the United States with a usable nuclear weapon—perhaps even a weapon that would be an effective first strike weapon—is absurd.

Furthermore, it represents a major departure from U.S. policy and makes our nation less safe—not more.

This is in fact part of the administration's broader policy in the international arena that can best be summed up in two words: Arrogant unilateralism.

This administration has: engaged in unnecessarily belligerent unilateralist rhetoric and action; dismissed arms control and nonproliferation efforts as ineffective; emphasized the role of preemptive military action; and pursued new nuclear weapon capabilities.

The administration is sending the destabilizing message that nuclear weapons have utility, thereby encouraging

the proliferation the United States seeks to prevent.

Instead, I believe that the United States' top priority for nuclear security should be preventing the spread of nuclear, chemical, and biological weapons and the means to deliver them.

Leading non-proliferation efforts and actions, and convincing the world to follow, that's how the world will be safer today and safer tomorrow.

U.S. Nuclear Weapons Policy: I am not a supporter of unilateral disarmament. I am a supporter of treaties, agreements, and programs with strong enforcement and interdiction programs to accomplish multi-lateral disarmament.

I believe that this Nation should always be in a position to protect itself, with a strong military, and the most advanced technology available to that military.

But I believe that moving ahead with these programs is folly.

First, who would want to send their son or daughter to a battlefield with tactical nuclear weapons?

Second, under what circumstances would a President push the “Red Button” for a nuclear first strike that would launch a nuclear missile of 100 kilotons, 4 or 5 times more devastating than Hiroshima, which killed 140,000 in just the first four months after the Bomb was dropped.

The United States has the most advanced conventional strike forces in the world. We have conventional bombs that can burrow into the earth and deliver thousands of pounds of explosives.

If the United States develops new nuclear weapons, what do we think India will do?

If the United States develops new nuclear weapons, what do we think Pakistan will do?

And what about Iran and North Korea?

Does this encourage them to develop battlefield nuclear weapons? I believe it does.

This administration is placing too great an emphasis on efforts to develop and deploy a new generation of nuclear weapons.

This is the wrong policy and, in my view, will only cause America to be placed in greater jeopardy in the future.

What should be done?

First, Congress should cut the funding for the Robust Nuclear Earth Penetrator and Advanced Concepts entirely.

Second, Congress should close an inadvertent loophole that appears to allow the Administration to go forward with design engineering of low-yield or other Advanced Concepts weapons, but requires specific Congressional action for the Robust Nuclear Earth Penetrator.

Congress should put the same restrictions on Advance Systems that are required for the Robust Nuclear Earth Penetrator—and require specific Congressional authorization for design engineering and development of battlefield nuclear weapons.

I will propose such an amendment most likely in mark-up or Conference Committee.

Third, Congress should postpone funding for the Modern Pit Facility until we receive a joint laboratory report that will include the finds of “accelerated aging” experiment, due in 2006.

Although it is true that the pits in current U.S. warheads are expected to slowly deteriorate as they age—and at some point will need to be replaced if the warheads are to remain in the stockpile—until that study is completed we simply have insufficient data to measure either the urgency by which pits need to be replaced or how many pits a year the United States needs to be able to manufacture to meet replacement needs.

Finally, Congress should deny any funding for new nuclear weapons until the reports we are awaiting justify these programs, including:

The report on stockpile stewardship required by last year's Energy and Water bill and which is intended to help inform decision making; and,

A formal report that spells out the specific military necessity of any of these new weapons. Usually, the military requirements for a specific weapons system—nuclear or nonnuclear are provided before well before funds are provided for design engineering.

These steps are necessary to bring this administration's unrestrained enthusiasm for developing new nuclear weapons under control, and assure that the United States proceeds in this area with all the seriousness and restraint that is fitting for a great power.

Now, I want to take a moment to say what I believe the United States should be doing with regard to nuclear policy.

First and foremost, the United States must work with others in the international community to address the larger nuclear non-proliferation problem.

Proliferation poses a clear and present danger not only to our nation but to the world.

President Bush offered a glimmer of hope two months ago, when he called for international cooperation on controlling the spread of weapons of mass destruction.

In his speech, President Bush called for: expanding efforts to obtain multi-lateral cooperation in interdicting land, sea and air shipments of WMD-related equipment, materials and technology.

Early adoption of a U.N. Security Council resolution that would require all Nations to criminalize certain proliferation-related activities, enact strict export control regulations, and ensure adequate security for nuclear and other sensitive materials within their borders.

Expansion of threat-reduction assistance programs that are designed to secure sensitive materials and prevent former weapons scientists from selling their expertise on the black market.

Closing a loophole in the Non-proliferation Treaty—NPT—that has enabled countries like Iran to acquire dual-use facilities capable of producing bomb-grade plutonium under the guise of a civil nuclear energy program.

Strengthening verification of the Non-Proliferation Treaty, by calling on countries to adhere to the International Atomic Energy Agency's—IAEA—Additional Protocol.

The creation of a special committee of the IAEA Board to deal with verification and compliance.

Ensuring that no country under investigation for violating nuclear proliferation obligations should be allowed to serve on the IAEA Board of Governors.

These are important steps, but they do not amount to a comprehensive non-proliferation strategy.

Building on what the President suggested, I believe the following actions are needed to implement a comprehensive approach to non-proliferation:

First, the U.S. should support strengthened international monitoring and inspection capabilities, such as the International Atomic Energy Agency's Additional Protocol.

The Additional Protocol is an addendum to the Non-Proliferation Treaty, which would expand the amount of information that Nations will have to provide the IAEA—including, the location, operational status, and production of any uranium and thorium mines.

It also would expand IAEA's ability to check for clandestine nuclear facilities by providing the agency with authority to visit, on short or no notice, any facility to investigate questions or inconsistencies in a state's nuclear declarations.

The Additional Protocol has now passed the Senate, and I believe that the United States must work with the IAEA to give it reality and force.

Second, the U.S. and other global powers can no longer ignore the possession of nuclear weapons by allies and friends.

India and Pakistan are not a direct threat to the United States, but they do threaten one another, and, as we recently learned, Pakistan has been at the hub of a global black market in nuclear technology.

According to a press report last Friday, it is possible that India is now seeking to develop a low-yield nuclear weapon of less than one kiloton, following in the footsteps of the Bush administration's nuclear weapons policy.

Such a move by India would likely be extremely destabilizing for Asia. We must realize that the way in which the United States and our friends and allies approach nuclear weapons has a profound impact on global security, and we must be willing to make sure that our friends, no less than states of concern, adopt a responsible approach to nuclear weapons.

Third, the international community must consider new ways to restrict access to dangerous nuclear technologies.

The Non-Proliferation Treaty guarantee of access to "peaceful" nuclear technology has allowed states such as Iran to acquire uranium enrichment or plutonium production facilities useful for weapons without adequate oversight and monitoring.

I support efforts in the UN Security Council to effectively criminalize trafficking in weapons of mass destruction, and work with other nations to make sure that effective means to control the spread of any WMD technology are in place.

Fourth, the United States should expand and accelerate Nunn-Lugar threat reduction programs.

This initiative has helped make the United States and the world safer over the past 10 years by improving security and taking much of the Soviet era nuclear, chemical, and biological weapons arsenal and infrastructure out of circulation. Yet funding for Nunn-Lugar has remained flat at about \$1 billion annually over the past several years.

The bipartisan Baker-Cutler Commission proposed last year that U.S. efforts for nuclear security should be increased to \$30 billion over ten years, and I believe it is critical that we increase Nunn-Lugar funding so that resources are commensurate with the challenge.

Fifth, we must redouble our efforts to secure and remove all unprotected nuclear material, especially material at the world's most vulnerable sites.

During the Cold War more than twenty tons of HEU were distributed around the world to research reactors and other facilities. Most of this material is poorly guarded and much is stored at extremely vulnerable sites.

Along with Senators REED, NELSON, and LEVIN I recently introduced legislation to give our government the direction, tools, and resources necessary to secure and remove nuclear materials from around the world in an expeditious manner by creating a single, integrated U.S. government program, with a defined budget and resources, to facilitate the removal of these materials. It is my hope that Congress will take action on this legislation soon.

Sixth, the United States should work to achieve a global halt to the production of weapons usable fissile materials through the Fissile Material Cut off Treaty—FMCT.

Progress on multilateral negotiations to end the supply of new material for nuclear bombs has been stalled for years.

Now, a shift in China's position opens the way for progress. Unfortunately, the Bush administration has decided to reevaluate its support for such an agreement.

Seventh, the United States should seek to engage in discussions with "states of proliferation concern" to look for ways to bring such states into the community of responsible nations.

These are states that have nuclear weapons or may be pursuing them and include: India, Pakistan, Iran, Israel,

Libya, North Korea, Syria, Brazil, Egypt, and Saudi Arabia.

Despite the administration's claim of a Libya success story, other nations appear to be drawing different conclusions from the Administration's approach on these issues.

We are experiencing on-going crises involving the North Korean nuclear weapons programs, and Iran now appears to be on the verge of a nuclear weapons capability.

Finally, the United States and other nuclear weapon states must reduce the role of nuclear weapons in their own thinking.

For the United States to be increasing funding for the research and development of a new generation of nuclear weapons even as we are telling others that they should not pursue these weapons themselves may well provoke the very proliferation we seek to prevent.

I strongly support a robust military to safeguard America's National Security interests.

But I believe we will 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.

The administration claims that it is not seeking to develop these nuclear weapons.

But I think we've seen that the facts demonstrate that this is not the case.

That is why those of us who do not want the nuclear door opened need to stand firm and oppose these efforts by the administration to develop these weapons.

#### JAMES MONROE, FIFTH PRESIDENT 1817-1825

Mr. ALLEN. Mr. President, I rise today on the 198th anniversary of his birth, to recognize James Monroe, a Virginia patriot, and honor his service to our Nation as a soldier, a diplomat, a legislator and as the fifth President of the United States of America.

James Monroe, born April 28, 1758 in Westmoreland County, was born, raised, and educated in the Commonwealth of Virginia. Foregoing his studies at the College of William and Mary, James Monroe joined the Williamsburg Militia in 1775 in defiance of the British King. He served gallantly in the Continental Army on the battlefield at Harlem Heights, White Plains, Trenton, Brandywine, Germantown and Monmouth, eventually rising to the rank of Lieutenant Colonel.

A student of Thomas Jefferson's after serving in the Revolutionary War, James Monroe was an adherent of Mr. Jefferson's principles of individual freedom and restrained representative government, which would guide him through fifty years of public service. Elected to the Virginia General Assembly in 1782, Monroe served in the Confederate Congress and in the first United States Senate before his first of