

AMENDMENT NO. 1092

(Purpose: Provide funding for a reconnaissance study)

At the appropriate place, insert the following:

SEC. ____ \$100,000 may be provided for the Penobscot River Restoration Study, ME.

AMENDMENT NO. 1093

(Purpose: To set aside funds to initiate preconstruction engineering and design activities for modifications to Laupahoehoe Harbor, Hawaii)

On page 68, line 22, before the period, insert the following: “: *Provided further*, That, of the funds appropriated under this heading, the Secretary of the Army, acting through the Chief of Engineers, shall use not less than \$200,000 to initiate, preconstruction engineering and design activities for modifications to Laupahoehoe Harbor, Hawaii”.

AMENDMENT NO. 1094

(Purpose: to provide funding for Advanced Scientific Computing Research)

On page 86, line 17; insert after “expended” the following:

: *Provided*, That \$250,055,000 is appropriated for the Advanced Scientific Computing Research: *Provided further*, That \$43,000,000 may be provided to the Center for Computational Sciences at Oak Ridge National Laboratory: *Provided further*, That \$500,000 may be provided to the Medical University of South Carolina: *Provided further*, That \$500,000 may be provided to the Community College of Southern Nevada Transportation Academy: *Provided further*, That \$3,000,000 may be provided to South Dakota State University.

AMENDMENT NO. 1095

(Purpose: Making technical corrections for NNSA security)

In the Bill, strike everything after “buses;” on page 90, line 14, and replace with: \$6,574,024,000 to remain available until expended: *Provided*, That the \$65,564,000 is authorized to be appropriated for Project 01-D-108, Microsystems and Engineering Science Applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico: *Provided further*, that \$65,000,000 is authorized to be appropriated for Project 04-D-125, Chemistry and Metallurgy Research Building Replacement project, Los Alamos Laboratory, Los Alamos, New Mexico.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,729,066,000 to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$799,500,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$343,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$6,366,771,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; \$645,001,000, to remain available until expended.

On page 55, line 3, strike all after the colon to the end of the section and insert the following:

“in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study—Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the city of Baltimore, Maryland, dated April 2004.”.

On page 84 of the bill, line 18, strike “\$36,000,000” and insert in lieu thereof “\$46,000,000”.

On page 105, line 3, insert the following:

SEC. ____ That the Committee directs the Government Accountability Office to undertake a study of the Office of Science Fusion Energy program in order to define the roles of the major domestic facilities, DIHD, Alcator C-Mod, and NSTX in the support of the International Thermoelectric Reactor program, including making recommendations that may include the possible shutdown or consolidation of operations or focus of these facilities to maximize their value to the International Thermoelectric Reactor program: *Provided*, That given the major international commitment to International Thermoelectric Reactor and the tokamak concept, the GAO shall consider any other magnetic fusion confinement system as a possible fusion demonstration facility that will follow International Thermoelectric Reactor and given the major National Nuclear Security Administration investment in the physics of Inertial Confinement Fusion, the GAO shall evaluate the opportunities for the Office of Science to develop the appropriate science and technology to leverage the National Nuclear Security Administration investment as an alternative to the tokamak concept.

AMENDMENT NO. 1096

(Purpose: To limit the use of funds for fully-funded contracts)

On page 109, between lines 2 and 3, insert the following:

SEC. 5 ____ None of the funds made available by this or a prior Act shall be used to award a fully-funded continuing contract, in a case in which continuing contract authority is applicable, unless the Chief of Engineers certifies that—

(1) the contract can be awarded and completed in the same fiscal year;

(2) the contract can be completed shortly after the end of the fiscal year in which the

contract was awarded, but only if the amount necessary to fully fund the contract is identified as surplus, or excess, to the program needs of that fiscal year; or

(3) future funding for the project is uncertain.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TANF EXTENSION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3021 which was received from the House.

Mr. SESSIONS. Reserving the right to object, is this the TANF?

Mr. FRIST. This is the TANF extension.

Mr. REID. Mr. President, it is my understanding it is a 3-month clean extension.

Mr. FRIST. That is correct.

Mr. SESSIONS. I have no objection.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3021) to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3021) was read the third time and passed.

SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART II

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3104 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3104) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3104) was read the third time and passed.

Mr. FRIST. I appreciate the courtesy of the manager and ranking member, and I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, there is a desire for back and forth. That is perfectly fine with me. I think the Senator from Arizona wanted to say something, and then if we could go to the Senator from New York.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, this debate has been held before, as has been noted. About a year ago, a similar amendment was defeated by a vote of 55 to 42 in this body. I urge my colleagues to defeat the amendment this year as well. The question has been asked about whether we would be going down a road that we would be taking a step toward something—I am not exactly sure—if we were to conduct this study. As my colleague, the distinguished chairman of the Armed Services Committee has noted, this is not the testing of a weapon or even the design of a weapon. This is merely to study the feasibility.

I want to make the point clear, to study the feasibility of what? To study the feasibility of taking an existing warhead and simply providing a different kind of casing for it and a different kind of fuse which would enable it to penetrate deep into the earth and potentially take out something that a potential enemy would have very deep underground.

The deterrent effect of this is obvious. A country that might wish us harm, such as North Korea, for example, that thinks it can bury something deep within the ground because we have no way of getting to it, would no longer be able to pursue that course of action if they understood that we had this kind of a weapon.

It is precisely the point that Secretary Rumsfeld made when he said:

Countries all across the globe are putting things underground. And we have no capability, conventional or nuclear, to deal with the issue of deep penetrator.

He goes on to say:

The idea of proceeding with this study is just imminently sensible. And anyone would look back five years from now, if we failed to take a responsible step like that, and feel we'd made a mistake.

General Cartwright, Commander of U.S. Strategic Command, stated before the Armed Services Subcommittee on Strategic Forces:

We're going to have to have multiple ways by which we can hold [hard and deeply buried targets] at risk. . . . The robust nuclear earth penetrator is one of several capabilities and I think will be necessary.

The point is deterrence. Because we are already a nuclear power under the

Nuclear Non-Proliferation Treaty, we are entitled to have nuclear warheads and weapons. We have them. We are not developing any new ones. We would be taking something out of the inventory and putting it into a form which a potential enemy would have to believe could be used against them. It might just prevent some of our potential enemies from going deep, as Senator WARNER has said—from deeply burying things into the ground with the belief and hope that we would never be able to get to it. That is what this study is for. I remind my colleagues that only if the feasibility study demonstrates that it can work, and only if the Nuclear Weapons Council approves its development, and only if Congress authorizes its development could it ever proceed.

So Congress still has at least two opportunities to determine whether or not to proceed with something that has never even been studied. My colleagues seem very certain about the consequences of one of these weapons. They have never even been designed, let alone tested. I think it is a little premature to suggest, with great certainty, exactly what would happen if one of these weapons were ever used. Again, the point is to have the deterrence, not to use the weapons. We have not used anything in our nuclear stockpile. Yet it has provided a great deterrence for this country because an enemy cannot know we will not use it if they ever act against us.

Again, it simply modifies a Clinton administration design of a previous warhead, which was determined could not penetrate the kind of rock, for example, that we believe some of our potential adversaries have. That is why this study to try to find a way, if we could, to be able to penetrate that rock and send a signal to those countries that they ought not try to go deep with their nuclear programs.

Again, there is nothing violative of the nonproliferation treaty because we already have the weapon. We would simply be taking an existing warhead and determining whether or not it could be used for this purpose.

I remind my colleagues, as I said, we already voted on this before. We have defeated this amendment in the past. The Secretary of State, the Secretary of Defense, and the general in command of the U.S. Strategic Forces all have asked that we proceed to fund the \$4 million for this study. As Senator WARNER pointed out, what could be wrong with a study to simply determine whether something like this is feasible?

It seems to me that since our military leaders have requested it, since the President requested it, it is up to Congress to fulfill our obligation to provide the resources necessary for the study. As Secretary Rumsfeld said, if we don't do it and one of our adversaries has something deeply buried that we would like to get to and we cannot do it because we don't have this, we would ask ourselves someday

why we were not willing to provide this funding for a study.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. KYL. Yes.

Mr. SESSIONS. With regard to this feasibility study, the study is really to determine the effect of the casing that we use on nuclear weapons—hardened casing—and how deeply that would penetrate. It is not going to be a feasibility study in which a nuclear weapon would be detonated; is that correct?

Mr. KYL. Mr. President, that is exactly correct. There are no plans—none—to test any kind of nuclear weapon. The study, as the Senator from Alabama has noted, is not to test any kind of nuclear weapon but simply to determine whether or not a casing, and fuse, and the other elements of a weapon could be designed to include an existing nuclear warhead within it in order to have this kind of capability.

I believe my time is up. I inquire of my time.

The PRESIDING OFFICER. The Senator from Arizona has 14 minutes.

Mr. KYL. I believe the agreement was that I had 5 minutes.

Mr. WARNER. I think there may well be—

The PRESIDING OFFICER. The total time in opposition is 14 minutes.

Mr. WARNER. Mr. President, before the Senator yields, it is somewhat difficult for those who are just trying to grasp a short debate here tonight, which is really a repetition of 2 previous years of debates. Let us assure our colleagues that nothing in this entire test scenario will involve any fissionable material whatsoever. As the distinguished Senator said, it would not involve a bomb. It didn't involve the use of any fissionable material whatsoever. It is simply a study.

It is important that the Congress be informed, and it is interesting that the money for this was struck last year. But guess what. North Korea went out and proudly announced—once the money was knocked out of the bill—we have a nuclear weapon. So I think it is very wise for this Nation to have this. It does not involve the use of any fissionable material.

The PRESIDING OFFICER. Who yields time?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I think Senator CLINTON has asked for 5 minutes, and I yield that time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mrs. CLINTON. Mr. President, I am honored to join my colleagues from California, Massachusetts, Michigan, and elsewhere to oppose this funding for the robust nuclear penetrator, the so-called nuclear bunker buster. I thought this issue was closed at the end of last year. Regrettably, it is not.

This program has been the subject of debate and discussion for several years.