

2½-day workweek here. But we could spend more than a month, more than 30 days on five judges, every one of which had a job. A third of our time in the Senate has been spent on five people, all of whom had jobs.

The majority leader's decision raises an important question. Why would we prematurely cut off debate on critical national security legislation? Why would we want to prevent the Senate from doing everything we can to help our men and women in uniform? The Senator from Michigan and the Senator from Virginia are role models for how to work together on legislation. He has some ideas that he wants to try to improve this bill. There are other Members who have amendments that are waiting. The Senator from Massachusetts has some ideas on how he wants to try to improve this legislation. But unfortunately, the answer to these questions is very familiar. Rather than address the concerns on the minds of the American people, our Republican colleagues are once again insisting the Senate focus its time on less important business. Earlier this year, we put judges ahead of health care, retirement security, education. Now they are apparently willing to put gun liability—and I have heard now estate tax—ahead of the needs of our troops.

Frankly, this action is not in keeping with the spirit in which this bill came to the Senate floor. To this point the process has been completely bipartisan. I should say nonpartisan. As I have already said, the chairman and ranking member, as well as the other Republicans and Democrats on the Armed Services Committee, worked together to see that our security needs were addressed. Republicans and Democrats even on the committee, after reporting the bill out, said: We have a few things we would like to try to address to the whole Senate to see if we can make the whole bill better.

The chairman welcomed input from Members on both sides of the aisle, as did the ranking member. He made no attempt to prevent Members from addressing critical issues or cut off debate, and he should be lauded for the course he chose. The majority leader should follow his example.

We want to pass this bill. We want to pass it before we go home for the August recess. That is why, for the past 2 months, I have been on this floor urging us to move to this bill. But, no, we couldn't because we were tied up with judges, the nuclear option. We were happy when he finally brought it to the floor 2 days ago. But little did we know it was apparently just an effort to get another thing off the shelf. We are here, ready to debate the numerous important issues raised by the legislation. We won't be able to do that.

I hope the Republican leadership will reconsider this action. Let us get back to work on this important bill. I repeat: We are going to oppose cloture, and that is the only thing we can do, in

my mind, to make sure that Shane Patton and the other approximately 2,000 men and women who have been killed in Iraq and the scores who have been killed in Afghanistan will have at least the attention of the Senate for a few days.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I listened carefully to my good friend from Nevada, the Democratic leader. I don't want to unduly prolong the discussion because Chairman WARNER and Ranking Member LEVIN are here to do business on the bill. The more the Democratic leader and myself talk, the less able they are to offer amendments and move forward with the bill.

I would say this, however. I don't know that it is written on some tablet somewhere that we need to spend multiple weeks on a DOD authorization bill, particularly in a time of war. We turned to this bill last Wednesday night. That is Wednesday night, Thursday, Friday, Monday, and Tuesday before the cloture vote would ripen. During all of that time, Senators could offer nongermane amendments. And then if cloture is invoked, there are 30 additional hours for amendments to be offered that are germane to the Defense bill. I don't think there is any particular reason why the Senate ought not to, particularly in a time of war, do this bill in a more expeditious manner and allow us to also complete other matters before the Senate, one of which the Democratic leader just pointed out he is in favor of, before we leave next week. We are open for business this morning. Chairman WARNER and Senator LEVIN are here. Others are here who want to offer amendments. We encourage that. That is why we are in session today.

My suggestion to all of us is that we move forward with the business that is before the Senate this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. REID. Madam President, I don't need to get the last word, but I have to get make sure the facts are spread across this Senate. Let's not be misled. Wednesday, opening statements; Thursday, one amendment voted on; Friday, nothing voted on; Monday, nothing voted on. I guess we will vote Monday night sometime. Tuesday, please help me on that, we ought to vote this Tuesday morning. And then to talk about 30 hours afterwards, that is one of the biggest farces we have around here. If you are lucky, you can have a vote or two during the 30 hours, but remember, there is no necessity to have a vote on anything. It is all up to the majority what they let us vote on.

In a time of war, does that mean we speed through this? I would think that we should take an inordinate amount of time, lots of time, when we are in a state of war. And we are in a state of war. Just ask the people of Great Britain.

I am glad we are here to do business today. The managers are here. Senator KENNEDY is here to offer an amendment. But especially in a time of war, let's at least do the average amount of debate on this bill.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I don't want to prolong it any further because we are taking up time for the offering of amendments which we encourage. We are anxious to have amendments. We are willing to have votes. We are not trying to deny anybody the opportunity to offer their amendment or to have votes. That is why the chairman and ranking member are here today. I see Senator WARNER is ready to do business.

I yield the floor.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 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 Forces, and for other purposes.

Pending:

Frist amendment No. 1342, to support certain youth organizations, including the Boy Scouts of America and Girl Scouts of America.

Inhofe amendment No. 1311, to protect the economic and energy security of the United States.

Inhofe/Collins amendment No. 1312, to express the sense of Congress that the President should take immediate steps to establish a plan to implement the recommendations of the 2004 Report to Congress of the United States-China Economic and Security Review Commission.

Inhofe/Kyl amendment No. 1313, to require an annual report on the use of United States funds with respect to the activities and management of the International Committee of the Red Cross.

Lautenberg amendment No. 1351, to stop corporations from financing terrorism.

Ensign amendment No. 1374, to require a report on the use of riot control agents.

Ensign amendment No. 1375, to require a report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council.

Collins amendment No. 1377 (to Amendment No. 1351), to ensure that certain persons do not evade or avoid the prohibition imposed under the International Emergency Economic Powers Act.

Durbin amendment No. 1379, to require certain dietary supplement manufacturers to report certain serious adverse events.

Hutchison/Nelson (FL) amendment No. 1357, to express the sense of the Senate with regard to manned space flight.

Thune amendment No. 1389, to postpone the 2005 round of defense base closure and realignment.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I was present last night. We had a colloquy among ourselves not unlike what took place today. The Republican leader, Senator FRIST, entrusted me with the management of this bill. It was my decision with regard to the votes. It was my decision that we file a cloture motion. I accept full responsibility for those decisions. I am proud of the way we operate on this side, where our leadership reposes in their managers those responsibilities; I accept them. If, in due course, it proves to be in error, I accept that responsibility. But I do believe, based on some 27 years of experience managing this bill, that we can achieve the opportunity for all Senators to have their amendments heard and voted upon in a timely manner.

The matter of cloture, as it ripens on Tuesday, can be addressed by the leadership, in consultation with the managers, and a determination made as to whether it should or should not be invoked. I think that decision, in large measure, would be dependent on what we can achieve between now and Tuesday.

I look upon this in a very positive way. I have confidence in this institution, confidence in the managers of this bill to see that it is done in a fair and proper manner and done in the best interests certainly of the men and women of the Armed Forces.

I yield the floor.

Mr. LEVIN. I wonder if the Senator will yield. For about 1 minute, I will go back to the history, and I will not go through it all. Last year, we spent 7 days on this bill. The 1st filing of cloture was on the 11th day of debate, after considering 42 amendments. The 2nd filing of cloture was on the 15th day of debate. I think it is totally inappropriate to file cloture today.

I have no better friend in this body than the Senator from Virginia. I was glad to hear what he basically just said, which is that he is going to take a close look at where we are before this vote takes place. He has always been openminded. I hope he will reconsider this cloture motion. We are going to make progress today, even though there are no votes.

It is difficult for Senators. Senator KENNEDY is going to be offering a very important amendment in a few moments, but the vote on that is not going to take place until probably after the cloture because we have so many amendments that are stacked up here. He deserves better and, more importantly, the subject matter of the amendment deserves better than to be debated on a Friday and then laid aside and not voted on until many days later. Traditionally, we try to vote on amendments after they are debated—shortly after, not days and days after they are debated.

We are going to accommodate the demands of the schedule by trying to offer a lot of amendments today and on Monday in order to see if we can show enough progress here so that the mo-

tion for cloture will be vitiated. That is our hope. I hope the Senator from Virginia will do what he always does so magnificently, which is maintain an open mind, keep options open, and see what kind of progress can be made to avoid a divisive vote. It is inappropriate to have a cloture vote this soon after the debate begins.

I yield the floor.

Mr. WARNER. Mr. President, just to finish, I have a practice of not bringing up personal situations, and I am still going to refrain. If continued to be pushed on this issue, I will recount several things that occurred yesterday where I tried to accommodate interests on that side of the aisle, and when it is said that not a Democratic vote was taken, I know of one vote where I pleaded that it be made, found the time, but the sponsors decided—and it was a joint amendment with a Republican and a Democrat—not to do that.

I am not going to get involved in personal situations, but there is a limit to the patience of the Senator from Virginia. On this matter by Mr. KENNEDY, I respect my good friend. Our friendship goes back as long as any two Members in this Chamber. This amendment is an important amendment, there is no question about it. But I ask the Senator from Michigan, was not the same amendment voted on by the Senate 3 weeks ago?

Mr. LEVIN. We will have to wait and see the precise nature of the amendment.

Mr. WARNER. It is very similar, if not identical.

Mr. LEVIN. I commend my friend from Virginia for his temperament, his ability to withhold any suggestion of personal comment. He is to be commended. He is literally a role model for that. The Senator from Virginia is correct. He showed great care for the Members of this body yesterday, gave great consideration to the Members, and I commend him for that.

Mr. WARNER. Madam President, I yield the floor.

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

#### AMENDMENT NO. 1415

Mr. KENNEDY. Madam President, I join the ranking member of the Armed Services Committee, Senator LEVIN, in paying tribute to the Armed Services Committee. I have been lucky enough to be on that committee now for 24 years. I must say that all of us have the highest regard and respect for the Senator from Virginia, the chairman of the committee. There has never been a time that he has not been courteous and diligent and thoughtful and considerate for those who have differing views that come up before the committee.

I understand the remarks by the Senator from Michigan and also our leader, Senator REID; and although our friend takes the responsibility, we have been around here long enough to know that the overall schedule and timetable

is made by the majority leader, with all due respect. He has the responsibility, obviously, for the Senate and the Senate agenda.

The part which is of concern is this, and I will mention this briefly. When we have cloture, we find out that many amendments that are related and are enormously important in terms of the subject matter, which is the Defense authorization bill, are effectively eliminated.

I took a quick look at some of the amendments that have been filed to date. We have a Stabenow amendment to fully fund health care for veterans. Nobody could watch the news last night and not understand the challenge our veterans are having in getting coverage and being treated well. That is true in my State, and the Nation was alerted again. We have had some debate on that issue. It is an issue of enormous importance. We make a commitment to those young men and women who volunteer and fight in our wars that they are going to have their needs attended to when they come back. They are not being attended to.

The Senator from Michigan, Ms. STABENOW, has an amendment that probably would not be eligible after cloture. It is on pay equity for reservists who are being deployed. We have so many being deployed over in Iraq, and it is an important amendment to make sure they are to be compensated. It is very important in terms of morale and, most of all, in terms of fairness for the reservists.

Then there is reform of the Pentagon procurement, with all of the kinds of challenges we have seen on the purchasing of the humvee. We reviewed that last night once again. An article that was written in the New York Times and the purchase conflict between the services, the lack of priority that was given really as a result of a failure of our procurement policies, we can do something about that, but we are not going to do something about it if we have cloture. Then there is the limitation of profits on defense contractors. We don't have to take a lot of time on that issue, but I think the American taxpayer, when they see hundreds of millions in windfall profits going to so many defense contractors, would have to say that spending a few moments on that to make sure, for example, the allegations that our troops are going to get the food they deserve and need on time and not be given second-level food is something that ought to be debated.

My amendment with Senator FEINSTEIN and Senator KERRY on bunker busters relates to the whole issue of nuclear proliferation and stability. We probably would not be eligible to bring that up. There have been important issues on funding for the cooperative threat reduction, which is so important in terms of the nuclear proliferation, with the very important and impressive study released this last week.

Those give you a little bit of a flavor, and they are related to national security and defense. We are told we don't have time for that. I have been here when we spent 2 full weeks debating bankruptcy and for the credit card companies. The result of the bankruptcy bill we passed here means the profits for the credit card companies are going up \$5.6 billion this next year. We spent 2 weeks on that issue that will benefit special interests. We spent more than a week on class action, which will benefit very special interests. We spent more than a week on highways. If you can spend more than a week on highways and you can look after the credit card companies and you can look after the major financial interests in class action, surely we can debate these issues that are related to the security and well-being of the troops of this country.

That is the point. I believe it is irrefutable myself. We were told last night, well, we had heard that Senator LEVIN, Senator REID, and others might propose a commission to look into the whole question of the torture policies that have taken place at Abu Ghraib. We had 12 different studies done by the Armed Services Committee, and we still don't have anybody in the civilian areas that has been held accountable, even though they were the architects of the torture policy. This has given us a black eye all over the world. It has been an incentive, and it is inflaming al-Qaida. It has been a recruiting tool used in order to gather more recruits for al-Qaida.

It had been suggested that we have an independent commission review that. And then guess what happened. Within a matter of hours, the White House says, If that amendment is accepted, I will veto the bill that is developing with Defense authorization. Imagine that. The President will veto the bill if that amendment is accepted. He will veto the bill that provides the resources for our fighting men and women if we are going to have an independent kind of review about how we got into all of this trouble in terms of torture and inflaming al-Qaida because of those activities. They are going to veto the bill. Therefore, we are going to have cloture.

We don't have to be around here for a number of years to understand what is happening. That is just plain wrong, Mr. President. It is just plain wrong. It is not the way this body ought to be doing business. These issues are too important. People are ready to debate them.

We had the amendment that I have here, which is very similar to the amendment Senator FEINSTEIN and I offered earlier on another appropriations bill. It is a matter of enormous importance in terms of the issue of nuclear proliferation.

There is an excellent study this last week about the worst weapons in the worst hands. The National Security Advisory Group is chaired by William

Perry, former Secretary of Defense, and is made up of an extraordinary group of men and women who have spent their lives in terms of national security and defense and talking about the dangers of increased nuclear weapons. Well, we have now in this bill the design for new nuclear weapons. They will say: No, we don't, it is only \$4.5 million. Look at the Department of Energy's congressional budget, right here on page 63, where cumulatively they are planning to spend a half billion dollars on it. New nuclear weapon? We are looking at a new nuclear weapon in the Defense authorization bill.

Look at the front page here of the New York Times, right up on the top: "New York Starts to Inspect Bags on the Subways." What is the greatest threat to our homeland security, a new nuclear weapon or—here it is—"New York Starts to Inspect Bags on the Subways." The second story: Bombs set in London at four sites, failed to explode, no one hurt. And we are going out and building another nuclear weapon.

We welcome the opportunity to address the Senate now on Friday, but this is a matter of enormous importance and consequence. We are told these issues are not as important as freeing the gun industry from liability, a special interest. So we have an NRA check. I know where the votes are on that. We are going to get another special interest check. We have a special interest check for credit cards, a special interest check because of class actions, and we are going to get another one now from the NRA.

We are not going to have the chance for these Senators to be able to debate pay equity for the reserves? Health care for veterans? No. We don't have the time. What is more important to us? I have plans at the end of next week along with everybody else, but what is more important than continuing and finishing this legislation? That is what we are supposed to do as Senators.

Mr. President, when you look over where we spend the time and how we have spent the time, surely these issues that are of such fundamental importance to our national security and to the security of the American people deserve the kind of time our leader and Senator LEVIN have suggested.

For the past 60 years, one of the principal tenets of the American national security policy has been to limit the number of nuclear weapons in the world and to limit the number of countries that possess them.

In 1962, President Kennedy warned that if action weren't taken at that time, there would be 20 nuclear weapon nations by the end of the 1970s. That is what he said in 1962. Because of initiatives he and successive Presidents—Republican and Democrat—took to prevent that, today there are only eight nuclear armed states.

Through careful negotiations, we arrived at the Nuclear Non-Proliferation

Treaty, the foundation of all current global nuclear arms control. The non-proliferation treaty, signed in 1968, has long stood for the fundamental principle that the world will be safer if nuclear proliferation doesn't extend to other countries.

I send to the desk an amendment on behalf of myself, the Senator from California, Mrs. FEINSTEIN, and my colleague and friend, the Senator from Massachusetts, Mr. KERRY.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, and Mr. BINGAMAN, proposes an amendment numbered 1415.

Mr. KENNEDY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To transfer funds authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities and available for the Robust Nuclear Earth Penetrator to the Army National Guard, Washington, District of Columbia, chapter)

On page 378, between lines 10 and 11, insert the following:

**SEC. 3114. TRANSFER OF FUNDS AVAILABLE FOR ROBUST NUCLEAR EARTH PENETRATOR TO THE ARMY NATIONAL GUARD OF THE DISTRICT OF COLUMBIA.**

(a) REDUCTION IN FUNDS AVAILABLE FOR ROBUST NUCLEAR EARTH PENETRATOR.—The amount authorized to be appropriated to the Department of Energy for the National Nuclear Security Administration for weapons activities by section 3101(a)(1) is hereby reduced by \$4,000,000, which reduction shall be allocated to amounts available for the Robust Nuclear Earth Penetrator.

(b) INCREASE IN FUNDS AVAILABLE TO ARMY NATIONAL GUARD, WASHINGTON, DISTRICT OF COLUMBIA, CHAPTER.—The amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard is hereby increased by \$4,000,000, with the amount of such increase to be available for the Army National Guard of the District of Columbia, as follows:

(1) \$2,500,000 shall be made available for urban terrorist attack response training.

(2) \$1,500,000 shall be made available for the procurement of communications equipment.

Mr. KENNEDY. Madam President, in that compact of the Nuclear Non-Proliferation Treaty, the foundation of all global nuclear arms control, 184 nations have voluntarily rejected nuclear weapons. These include 40 states, such as Japan, Germany, Sweden, and Singapore, that have the technical infrastructure to build nuclear arsenals if they chose to do so.

In addition, Ukraine, Kazakhstan, Belarus, South Africa, Argentina, Brazil, Taiwan, South Korea, and others have turned away from nuclear weapons because of the NPT and our leadership.

America led the way to a safer world by example. By adhering to these carefully crafted agreements, we were able to discourage the spread of dangerous nuclear weapons that would threaten our security.

However, the Bush administration has abandoned that course. Not only has this White House expressed disdain for decades of nuclear arms control, but it now threatens to launch a new nuclear arms race. As we are discouraging North Korea and Iran from producing nuclear arms—and as we are trying to keep nuclear weapons out of the hands of terrorists—the Bush administration recklessly proposes for the United States to produce a new breed of nuclear weapon. President Bush and Secretary Rumsfeld want to develop a new tactical nuclear weapon that can burrow deep into the earth and destroy bunkers and weapon caches. The new weapon they propose has the chilling title of robust nuclear earth penetrator. They hold the dangerous and misguided belief that our Nation's interests are served by developing what they consider a more easily usable nuclear bomb—more easily usable nuclear bomb. That is just what we need more of today.

Most Americans believe that is wrong. Therefore, the amendment that Senator FEINSTEIN and I offer today will halt this dangerous new policy and redirect the \$4 million in funds from the robust nuclear earth penetrator research program to the National Guard for the more urgent task of preventing another terrorist attack on our Nation's capital.

This action is especially warranted in light of the bombings in the London subway. Instead of developing new nukes, we should address the real-world challenges of terrorism that we face right here, right now.

In the end, the administration would like us to buy something we don't need, that endangers us by its mere existence, and that makes our important diplomatic goals much more difficult to achieve.

Our challenge in addressing nuclear nonproliferation issues is not that there are too few nuclear weapons in the world, but that there are too many; not that they are too difficult to use but too easy.

North Korea has recently acquired nuclear weapons and does not hesitate to rattle them. Iran is widely thought to be moving forward on the development of nuclear weapons capability. The increased availability of nuclear technology to other nations is an ominous development, especially when it is difficult to accept at face value their statements that the technology is intended only for peaceful purposes.

What moral authority do we have to ask other nations to give up their desire for nuclear weapons of their own when we are developing a new generation of such weapons of our own? How can we tell other nations not to sell their nuclear technology to others

when we are exporting our own technology?

For the past 2 years, Congress has raised major doubts about the bunker-buster program and significantly cut back on its funding. But the administration still presses forward for their development. For fiscal year 2004, they requested \$15 million for it, and Congress reluctantly provided half that amount. For 2005, they requested another \$27 million and submitted a 5-year request for nearly \$500 million, and Congress denied their request.

This year, nothing has changed. The fiscal year 2006 budget request from the President includes \$4 million for the Department of Energy to study the bunker buster, and \$4.5 million for the Department of Defense for the same purpose. Thankfully, our colleagues in the House were wiser and eliminated the funds.

The administration obviously is still committed to this reckless approach. Secretary Rumsfeld made his position clear in January, when he wrote to Energy Secretary Spencer Abraham:

I think we should request funds in 06 and 07 to complete the study . . . You can count on my support for your efforts to revitalize the nuclear weapons infrastructure and to complete the RNEP study.

The fiscal year 2006 budget requests funds only to complete the feasibility study for these nuclear weapons, but we already know what the next step is. In the budget sent to us last year, the administration stated in plain language that they intend to develop it. Ambassador Linton Brooks, the head of the National Nuclear Security Administration, claims the future budget projection was merely a placeholder "in the event the President decides to proceed with the development and Congress approves." But their fiscal year 2005 budget clearly shows the administration's unmistakable intention to develop and ultimately produce this weapon.

They would like us to believe this is a clean, surgical nuclear weapon. They say it will burrow into underground targets, destroy them with no adverse consequence for the environment. But science says such claims are false.

A National Academy of Sciences April 2005 study confirms exactly what most of us thought: that these nuclear weapons, like other nuclear bombs, result in catastrophic nuclear fallout. They can poison tens of millions of people and create radioactive lands for many years to come.

The study goes on to say:

Current experience and empirical predictions indicate that the earth-penetrator weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion. To be fully contained, a 300 kiloton weapon would have to be detonated at the bottom of a carefully stemmed emplacement hole about 800 meters deep. Because the practical penetrating depth of an earth penetrating weapon is only a few meters—a small fraction of the depth for the full containment—there will be blast, thermal, initial nuclear radiation, and fallout effects—

From the use of the weapon.

Even if we were willing to accept the catastrophic damage a nuclear explosion would cause, the bunker buster would still not be able to destroy all the buried bunkers the intelligence community has identified.

This chart, based on the data from the National Academy of Sciences, depicts the simulated maximum effect of a 1-megaton earth-penetrating weapon. This massively destructive weapon cannot reach more than 400 meters. All an adversary has to do is bury its bunker below that depth.

Bunker busters also require pinpoint accuracy to hit deeply buried bunkers. But such accuracy requires precise intelligence about the location of the target. As the study emphasized, an attack by a nuclear weapon can be effective in destroying weapons or weapons materials, including nuclear materials and chemical or biological agents, but only if it is detonated in the actual chamber where the weapons or materials are located. Even more disturbing, if the bomb is only slightly off target, the detonation may cause the spread of deadly chemical and germs, in addition to the radioactive fallout.

If it were clear that this weapon were needed to protect our troops, then Congress would probably support it. But that is not the case. At the House Armed Services Committee hearing in March, program chief Linton Brooks once again was asked if there was a military requirement for the bunker buster, and he categorically said:

No, there is not.

This chart shows how important it is that the bunker buster be precise, in terms of targeting, or otherwise it is not going to destroy the target, and the dangers of chemical and nuclear material proliferation are dramatic.

Our military has no need for a nuclear bunker buster. Existing conventional weapons have the ability to neutralize this threat. These charts from the National Academy of Sciences show the types of deeply buried, hardened bunkers the nuclear bunker buster is intended to destroy. All bunkers must have air intakes, energy sources, and entrances. If we can destroy them by conventional means, we have accomplished our purpose.

The administration's effort to build a new class of nuclear weapon is only further evidence of their reckless nuclear policy.

We have studied this issue long enough. It is ridiculous for the administration to try to keep this program going, and it could be suicidal for the Nation and for our troops. While the administration studies a weapon that will never work and may never be used, it has taken its eye off the true danger: terrorists with weapons of mass destruction here at home in our subways and our train stations.

Protecting our Nation should be the administration's No. 1 priority and, sadly, they have not learned that lesson from 9/11. The alarm bell that went

off on September 11, 2001, is still ringing loudly. It rang in London earlier this month and again yesterday. It rang in Madrid last year. And it has been ringing in Turkey, Indonesia, Morocco, Kenya, and elsewhere around the world in the nearly 4 years since the tragedy of 9/11.

In our Nation's Capital, the alarm bell continues to sound, but the administration has been inexcusably slow in heeding its warning.

Our amendment will better protect our Nation's Capital from a terrorist attack. It provides urgently needed funds to the Washington, DC, National Guard to make up for the shortfalls they face in equipment and training.

U.S. officials plainly state that al-Qaida and other terrorist groups are determined to strike the United States again. And we all know that our Nation's Capital is a prime target.

On July 10, Homeland Security Secretary Michael Chertoff said that "the desire and the capability" are there for another terrorist attack in America.

The former Deputy Secretary of Homeland Security, ADM James Loy, told the Senate Intelligence Committee on February 16:

We believe that attacking the homeland remains at the top of al-Qaida's operational priority list . . . We believe that their intent remains strong for attempting another major operation here.

He says:

The probability of an attack is assessed to be high. . . .

FBI Director Robert Mueller told the Intelligence Committee on February 16:

The threat posed by international terrorism, and in particular from al-Qaida and related groups, continues to be the gravest we face . . .

Despite these serious and terrifying threats, the DC National Guard, which provides an indispensable role in responding to terrorist attacks, has long received inadequate funding.

In a terrorist attack, the DC National Guard will be mobilized to assist in evacuation efforts, provide security at the attack site, and assist in mass casualty care. Mayor Williams and the city council realize the vulnerability to such attacks and the potentially catastrophic consequences if terrorists attack a train carrying hazardous material.

According to a RAND analysis on terrorism and railroad security, 40 percent of freight being carried from city to city across the country, including half of the Nation's hazardous material, is moved by rail. In 2003 alone, 11,000 railroad cars containing hazardous material passed through Washington, DC.

We believe the administration's position in supporting the development of a new nuclear weapon system is misguided. It is not based on sound science. And there is a recognition that they do not have their priorities straight. We have learned the lesson of this past week, that what we have to do is expand our attention in terms of

the homeland security issue. That has to be our focus, and we learned that again this morning in London.

Why the administration insists that they think our national security is going to be enhanced and expanded by building a new system makes no sense at all.

A final point. There are those who will say this is just a study; we ought to be able to study; we ought to be able to study what progress can be developed in terms of the shape of our warheads and the building materials that are necessary to make it more effective; we live in a dangerous world. All of which is true, we ought to be able to have a study, but that is not what this is about.

As I have mentioned, the opposition, by and large, will say this is just a study. Then we will have to come back to Congress and get the approval.

See what the intention of this administration is. "Department of Energy, 2005 Congressional Budget Request, National Nuclear Security Administration, Office of the Administrator, Weapons Activities." Open this to page 63. There it is.

They talk about what is going to be the request over the period of these next 5 years, and it is \$484 million. That is not a study. That is the development of a weapons system. Those resources could be more effectively used providing security at home, working through homeland security, than developing a new weapons system which will make it more complicated and more difficult for the United States to be the leader in the world, which we have been under Republican and Democratic Presidents since 1962, in reducing the number of countries that have dangerous nuclear weapons. We should stay the course. That has been a wise judgment and decision by Republican and Democratic Presidents. We should not be about the business of developing new nuclear weapons, which is going to upset that whole movement and make this country less secure.

I yield the floor.

THE PRESIDING OFFICER (Mr. SESSIONS). The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to pick up on my distinguished colleague's last point with regard to the projected budget cycle as it relates to this program. In fairness, the distinguished Senator from Massachusetts should point out that while that document outlines a proposal for a program, Congress carefully has enacted the checks and balances such that every step of the way that program has to be reviewed by the Congress, authorized, and appropriated. Those are the types of checks and balances that should be accorded a program of this significance.

I point out, and I read from the conference report on the National Defense Authorization Act for fiscal year 2004, the requirement for specific authorization of Congress for commencement of engineering development phase and

subsequent phase of the robust nuclear earth penetrator, section 3117 of the law, the Senate amendment contained in provision 3135 that would require the Secretary of Energy to obtain specific authorization from Congress to commence development engineering phase of the nuclear weapons development process or any subsequent phase of a robust nuclear earth penetrator weapon.

So I assure my colleagues, I assure the American public, Congress is carefully monitoring each step of this proposed program.

My good friend from Massachusetts pointed out about the military requirements. The Chairman of the Joint Chiefs of Staff, in appearing before Congress, established the military requirement. Senators on the other side of this debate have argued there is no military requirement, as did my good friend and colleague from Massachusetts. Congress should not be funding, he has argued. This is a case of getting so involved in technology that we lose sight of the purpose behind the words.

I think it is extremely important that the record of this debate reflect the following: In an appearance before the House Armed Services Committee in February of this calendar year, the Chairman of the Joint Chiefs of Staff, General Myers, addressed the following question:

Is there a military requirement for RNEP?

General Myers answered the question as follows:

Our combatant commander that is charged by this nation to worry about countering the kind of targets, deeply buried targets, certainly thinks there's a need for this study. And General Cartwright has said such. I think that. I think the Joint Chiefs think that. And so, the study is just that. It's not a commitment to go forward with a system; it's just to see if it's feasible.

It is just to see whether the technology of the United States can take an existing warhead. There was some inference that we are increasing the stockpile. It is very important to recognize we are simply performing tests and evaluation on existing warheads to determine whether they can be reconfigured to achieve the mission of penetrating the earth to certain depths, depending on the consistency of the soil and the above earth, and render less effective, if not destroy, a potential situation beneath the earth, which definitely challenges the security of this Nation and the world. It is as simple as that.

So this whole debate is about whether a modest sum of money can be continued to be applied to a program to determine a feasibility study. Depending on the outcome, the Congress comes back in and then establishes whether the facts justify, as well as the threat situation, as well as the military needs, the next step of a program that would take some several years to evolve and produce a weapon.

General Myers continued:

So we can argue over the definition of a "military requirement" and when a "military requirement" is established. We can

argue over when in the study of a concept—which is what we are talking about here—when should the requirement be established.

We can argue over definitions or we can listen to the Chairman of the Joint Chiefs and the Commander of Strategic Command, who advise the Congress that it is in the interest of the United States to complete the feasibility study.

Somewhat regrettably, over the past 24 hours we have had a lot of back and forth about time consumed on this, that and one of the other things. I tend to be very indulging in the fact that the Senate is an unusual body and there is the right to discuss whatever a Senator wishes. But just 3 weeks ago we had this exact amendment before this body, except for one change. Senator FEINSTEIN had put the funds which would be resulting from a cancellation towards the public debt, a laudable purpose. It has nothing to do with the military requirements, nothing to do with anything about the weapon. Senator KENNEDY made one small change: Let us take it from the public debt and give it to the DC National Guard.

Well, I can understand how the DC National Guard is brought into a clear focus in its responsibilities given the worldwide events of recent times. I am not unmindful of those situations. But if there is a need for funding for the D.C. National Guard, let it be brought forth independently. It should not be a predicate or a basis for making a major decision as to whether to go forward on this important research program and study.

So I say to my colleagues, if there is a problem with the D.C. National Guard, bring it to the attention of the managers. We will be on this bill for a few days. We have time. We will take a look at it.

I am mindful of what occurred here last night and what occurred here again this morning about how we are just grinding our wheels and not being productive. This same identical amendment was rejected by the Senate 3 weeks ago in a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in support of the Kennedy amendment dealing with the robust nuclear earth penetrator, or RNEP. This issue has been discussed and debated at length many times. In fact, my impression was that we had come at least legislatively to a conclusion. The conclusion was that this was not a weapons system that would materially aid our ability to advance national security purposes of the United States.

In the fiscal year 2003 budget request, the Department of Energy sought \$15 million to fund the first year of what was to be a 3-year, \$45 million study to determine the feasibility of using one of two existing large nuclear weapons as a robust nuclear earth penetrator.

They couched it in terms of a study. There is some discussion about requirements and studies. My impression is that a requirement is a formal decision

made by the Department of Defense through elaborate procedures. With respect to the particular nuclear penetrator to attack deeply buried targets, I do not believe there is a formal requirement. There is a general requirement to hold at risk hard, deeply buried targets, but there are many different variations that could be applied to that, and I do not believe the Department of Defense has yet come to a conclusion, a requirement, that this mission can only be undertaken by a robust nuclear penetrator.

Nevertheless, early on, several years ago the Department of Energy's budget called for studies. Congress authorized and appropriated the \$15 million for the first phase of this study by the Department of Energy, but DOE was not to begin this work until it submitted a report setting forth requirements for an RNEP and the target types that RNEP was designed to hold at risk. DOE proposed their response in April of 2003, and the funds were released to begin again this study. Once again, DOE insisted that this was just a study. There was no decision to begin the process of development and production that would lead to a weapon.

The following fiscal year 2004, DOE again sought \$15 million for the RNEP, but now Congress had become, I think rightfully, a little skeptical of the technology, of the efficacy of this proposed weapon, to do what it was intended to do, and as a result, only \$7.5 million was appropriated. DOE took the reduced funding and said: Still, this is just a study. We just want to look at this concept. We study lots of concepts. We certainly cannot inhibit the intellectual inquiry when it comes to an issue of so much importance to our national security.

Now, in the 2005 budget request, after 2 years of various requests, the true nature of the RNEP proposal is becoming much clearer. It does not appear today to be just a study. DOE sought \$27.5 million for RNEP in the 2005 budget request. In addition, DOE included the RNEP in its 5-year budget report demonstrating that the real plan was to continue with the RNEP project through the next 5 years through the development stage and just up to the point at which production would begin.

Now it is no longer just a study. In fact, DOE is talking about almost \$500 million over the next several years to get ready to build an RNEP. The cost of the feasibility study has also increased dramatically from the initial \$45 million—\$15 million a year for 3 years—to now \$145 million. If the study is increasing from \$45 million to \$145 million, if that same progression is applied to development, then right now we are talking about almost a billion dollars to get to the point of development and production for this RNEP.

Finally, though, I think Congress had its fill with the study that turned out to be a stalking horse for a production program, and in the fiscal year 2005 budget cycle denied funding. I applaud

particularly our colleagues in the other body who were very much involved in this decision on a bipartisan basis and decided that this program was not worth the investment; that it was not a study; that if it was a true study it could have been concluded and the results could have been provided to decisionmakers for a more thoughtful review of this aspect of national security.

The administration just did not get the message. So in 2006, this budget request, DOE requested \$4 million to start the RNEP feasibility study again, and \$14 million will be needed in fiscal year 2007 to finish the study.

It should be apparent right now, this is not about a study. This is about developing a weapons system to hold hard and deeply buried targets at risk. The National Academy of Sciences conducted their own study to look at the feasibility of doing this and the usefulness of this type of weapons system, at the request of the Armed Services Committee. Their study sheds a great deal of light on the practical implications of this weapons system.

DOE says the RNEP project is to look at the feasibility of using a bomb with a small nuclear yield to target hard and deeply buried targets with minimal collateral damage on the surface and minimal fallout. That would be a very important development, if it were feasible. But the Academy points out in their study, and makes it clear, that to really hold hard and deeply buried targets at risk the RNEP would have to be very large and would not be contained. This is about physics, I think, more than it is about wishful thinking. The physics of the problem suggests if you really want to destroy that target you can't use a small nuclear charge. You would have to use a rather considerable one.

Therefore, the DOE is considering modifying an existing large-yield nuclear weapon, the B-83, to be a nuclear penetrator. The B-83 nuclear bomb has a 1-megaton yield. That is explosive power equivalent to 1 million tons of TNT, hardly a small, discrete weapon. The full megaton yield of the B-83 would be needed to hold at risk a target buried 900 feet below the surface—because of engineering progress, you effectively can burrow that far down and put facilities or intelligence centers or other critical military installations at that depth. But not only would the fallout not be contained after the detonation of this large a weapon, the resulting radioactive debris that the B-83 would put in the atmosphere would make the fallout worse. You would be sending a charge down into the earth, exploding the earth, blowing it up into the atmosphere and spreading the fallout. There would be substantial casualties if it were used, and the fallout would spread for hundreds of miles.

The National Academy of Sciences study makes it clear that in a populated area, millions of people would be killed and injured.

Let me give sort of a rough comparison of the effects of the B-83 system. It



has yields ranging up to 1 megaton; that is 1 million tons of TNT. The bomb we dropped on Hiroshima was 14 kilotons. It resulted in the death of 140,000 people. The Nagasaki bomb was 21 kilotons; 73,000 people died. The yield of the B-83 bomb is 71 times larger than that used at Hiroshima and 47 times larger than Nagasaki. That would cause incredible damage and casualties.

In a practical sense, if you are striking a critical installation, most likely that installation is close enough to either an urban area or close enough to other key terrain that a military commander would have to think twice about dropping a nuclear bomb on such a target. The reality is we could not operate in that area for years, because of fallout, because of damage. If your goal were to ultimately destroy and occupy an opposing foe, why would you essentially create a situation where you could not even operate in the area?

The other thing about this whole approach to the RNEP is it fails to recognize that we have precision conventional weapons that may not be able to reach down 900 feet, but certainly these weapons can be used to deal devastating blows to the communication networks that serve these facilities and to the entrances. Eventually there has to be someplace where you go into these tunnels. Those facilities, if they can be identified, can be shut off by conventional munitions. The goal is to neutralize the target, and that can be done, I think, more readily by conventional weapons, particularly conventional precision weapons. So the need for this system on a practical basis is not at all compelling to me, and I do not believe it is compelling to the more thoughtful people in the military, those who are thinking about these types of situations.

There is another factor, too. Again, the presumption is that we are going to have a nuclear device that we are going to use to take out a deeply buried target, which could be in a circumstance where we would be contemplating the first use of a nuclear weapon against one of these targets. We have to be very sure that we have the kind of intelligence that will support such extraordinary use of military power. If we reflect back on Operation Iraqi Freedom, we thought there were nuclear weapons—some people did. We thought there were chemical weapons and thought there were biological weapons. Secretary Powell was before the United Nations talking about these mobile biological vans.

The reality is our intelligence was very poor; certainly not sufficient, in my view, to justify the use of a nuclear weapon like this. So there is a further complication about ever using one of these weapons; and that is, would we have the intelligence to support, particularly, the first use of a nuclear weapon to take out a target like this?

We do not need to spend \$1 billion to develop to the point of production an

RNEP. I think our colleagues in the House, on a bipartisan basis, figured this out last year. We should be equally astute and adroit. We have conventional precision weapons that can deal lethal blows to these types of installations. I think we should not contemplate using nuclear weapons, such weapons as the B-83, which would yield vast areas of a particular country literally uninhabitable for months if not years. Also, by the way—which we found from our adversaries, particularly from our adversaries in Iraq—they are fairly astute about trying to counteract our weapons with their tactics. If you were someone who was afraid that the United States might have such a weapon like an RNEP and use it against you, I think there would be a strong temptation to put that deeply buried target underneath a city, underneath a historic or religious site, so that our choices would be further complicated by the fact that we would be delivering a nuclear device in an area where there could be significant population or significant reasons to avoid the detonation of a nuclear bomb.

I think this funding is not appropriate. I join Senator KENNEDY in urging that we move to drop it. I urge my colleagues to vote for the Kennedy amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator for his comments. We would disagree on this, but he is a skilled person in the defense of our country, and I respect his comments.

Three weeks ago, this Senate voted 53 to 43 on this amendment. I am glad we are having this debate. Some have said there is not enough time to have a debate on these issues, to bring up and highlight points that the other side may want to raise. But we just voted on it 3 weeks ago. We voted on this twice last year. This amendment to strike this language was defeated; the language was kept in the bill. Overwhelmingly, the Senate has maintained its view that a study of this robust nuclear earth penetrator is valid and needed and the Defense Department and the Energy Department have certified to that and we ought to go forward with it. But it is perfectly legitimate that we talk about it.

I would just say this for emphasis, to follow up on Chairman WARNER's comments: The way this language is placed in this legislation, it mandates explicitly that the Department of Energy or Department of Defense cannot go forward to commence development engineering without the specific approval of Congress.

This robust nuclear earth penetrator issue began being discussed by the military in 1985, and when the need was recognized, it was supported by the Clinton administration Defense and Energy Departments. Secretary O'Leary specifically supported this. There were no limitations of the kind I

just mentioned in the language that came forward during the Clinton administration to decide to conduct this study. But now we are putting that in there to allay the concerns that any might have, that somehow authorizing a study would result in development and deployment of a weapons system. We know that cannot happen without Congress's approval, but this really clamps it down to say there would have to be an affirmative legislative act by Congress before the Energy Department could go forward with developing any such weapon as this.

I think that ought to allay the concerns. I will suggest that is why there has been so much support for it on a bipartisan basis.

A couple of years ago, Secretary of State Colin Powell wrote Chairman WARNER in support of the RNEP. He asked us to fund a feasibility and cost study of it, and noted that:

I do not believe that these legislative steps will complicate our ongoing efforts with North Korea, inasmuch as the work was funded and authorized in last year's Defense bill. I believe that North Korea has already factored RNEP into its calculations. It is important for you to work on these issues and please do not hesitate to call on me. . . .

Secretary Powell supported it and said it basically furthered our foreign policy. So, again, this would be a multiyear feasibility study, and we are talking about \$4 million being spent on it. In the scheme of our huge budget, I would say that is not excessive.

Suggestions have been made that somehow this indicates that we are indifferent to nuclear weapons, the powers that they contain, the danger that they represent, and that somehow this administration is not sensitive to the need to reduce the threat from nuclear weapons in the world. Nothing could be further from the truth.

Let me mention a few things about what this Nation is doing with regard to its nuclear arsenal. We have already done more than any other nation in the world to reduce our nuclear arsenal. We are committed to huge reductions in our nuclear weapons. In the last 15 years, the number of U.S. deployed strategic warheads has declined from 10,000 to less than 6,000. Under the treaty we signed, the Moscow Treaty, we will reduce our strategic nuclear warheads to between 1,700 and 2,200 by 2012—from over 10,000. That is a huge reduction. In fact, we have already dismantled more than 13,000 nuclear weapons since 1988 and eliminated nearly 90 percent of U.S. nonstrategic nuclear weapons.

(Mr. ALLARD assumed the Chair.)

We have not produced high enriched uranium for weapons since 1964, nor plutonium for weapons since 1988. In fact, we are the only nuclear power in the world that has no capability at this moment to produce nuclear weapons. We are simply relying on our old stockpile, and that is a matter that a number of people are concerned about, but it is true.

As Senator ALLARD, now I see is the Presiding Officer, who last year chaired the strategic subcommittee in the Armed Services Committee that deals with these issues, and I now chair that strategic subcommittee—has gone on to bigger and better things—but it is an important subcommittee and it deals with the strategic defense of America. We are moving to incredible reductions in our nuclear weapons, but we are going to keep something like 2,000. How does it threaten the world in peace and make us a warmonger, if we can design and make a few of those weapons capable of being effective against hardened targets?

Let's be realistic. People say, "This is a new weapon. This is a new weapon," even when we get to the bottom, 2,000 or more nuclear weapons. What is wrong if we have figured out a way to use a targeted nuclear weapon to deal with a hardened site? It makes a lot of sense. It certainly does not indicate we are in a warmongering mode.

I have a number of other things I would say on this subject. I see the Senator from California is here. I am pleased to yield the floor. I assume the Senator from California is talking on Armed Services issues?

Mrs. FEINSTEIN. Yes.

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair. I also thank the distinguished Senator from Alabama.

I wish to speak on the bill. There is probably no one in the Senate I have greater respect for than the chairman of the Committee on Armed Services. He certainly does know his material. He certainly has put in the years. He certainly has done the work.

I very profoundly disagree with what he has said with respect to the robust nuclear earth penetrator. We have heard this is only a study, that it is minor in scope, that we have debated this before. It is certainly true, we have debated this before. We debated it before because we feel strongly about this issue. We have debated it before because the Congress eliminated the money last year. We have debated it before because we have a strong passion and belief that this is the wrong way for our Nation to go. The fact that we have debated this issue before—Senator KENNEDY, Senator REED, Senator LEVIN, myself—does not in any way, shape, or form downgrade or demean our arguments.

Let me discuss this program which is only "a study." Let me discuss for a moment the way this program started out.

It started with appropriations for the study of a robust nuclear earth penetrator with a 5-year budget projection of \$486 million. That is how it started.

It also coincided with a program called "advanced concepts initiatives" which is not in this authorization but which last year envisioned the develop-

ment of low-yield tactical nuclear weapons of under 5 kilotons, or battlefield nuclear weapons. That is about a third the force that was used at Hiroshima, a 15-kiloton weapon. That is not, as I say, in this bill.

It started out with a plan to build a Modern Pit Facility which could produce up to 450 new plutonium pits—the pit being the trigger that detonates a nuclear weapon. If you take a good look, you know you do not need up to 450 plutonium pits for replenishment of the existing nuclear arsenal. You may need 40 to 60. So if you put forward up to 450 plutonium pits, to me it is an indicator that there is a broader program afoot.

Part of this is also an increase of the time to test readiness from 3 years to 18 months. What that says is: Beware, something is going on. We want to be able to resume testing and we do not want to resume testing within the normal 3-year delay, we want to move that up to 18 months. So, something is cooking.

The fact is, no one should doubt this authorization enables the reopening of the nuclear door to the creation of a new generation of nuclear weapons, in this case, a robust nuclear earth penetrator of 1 megaton. This is a major effort.

It is true, we fenced it, as the Senator from Alabama pointed out. Before it goes beyond the engineering stage, it must come back to this Senate for approval. But that does not signify that there is not a new generation of nuclear weapons being studied, researched, advanced, and authorized in this bill, specifically the \$4 million for the robust nuclear earth penetrator.

Our intention is being signaled to the rest of the world. The Department has been clever in not revealing its hand. No longer does it provide the 5-year cost of this study as it did last year. No longer does it mention this effort in its statement of administration policy. The statement of administration policies on the House Defense Authorization and House Energy and Water Appropriations bills do not mention a robust nuclear earth penetrator. Rather, the attempt was to cloak the study in some kind of obfuscation, to divide it between two budgets—Energy and Defense—half, \$4 million here, the other \$4.5 million in the other budget, with the hope that if one fails, the other will get through.

But nonetheless, this is not minor in scope. The Modern Pit Facility which could produce up to 450 new plutonium pits is not even being discussed. There is supposed to be a study that will come back and indicate how many pits are necessary to replenish the present nuclear arsenal. That is not before the Senate. That is in this bill. There is no study to indicate we need 450 pits today to refresh the existing arsenal, particularly when that arsenal is being diminished in size.

The intention is clear. Obviously, the way you begin a new nuclear weapon

program is with a study, research, and engineering. So it is true we are trying to catch it at the beginning. That is not a bad thing. That is a very good thing.

The money, as was stated accurately, would go to the DC National Guard to enable it to prepare for possible terrorist attacks in the Nation's Capital. Many think this is a much more realistic use of this money than a robust nuclear earth penetrator, especially when the laws of physics say it is impossible to drive a missile deep enough in the Earth to prevent the spewing of hundreds of millions of cubic yards of radioactive waste and cause the death of hundreds of thousands, if not millions of people.

It is true, we had this debate 3 weeks ago on the Energy and Water appropriations bill. That was the other half of this request. We were not successful with that vote. We said we would be back to debate this issue. And we will be back again and again and again until we are able to defeat this effort. It is morally wrong and I believe it jeopardizes the national security of our country.

The House has had the good sense to decisively eliminate funding for the robust nuclear earth penetrator, first under the leadership of Representative DAVID HOBSON, the chairman of the Energy and Water Appropriations Subcommittee. That bill eliminated the \$4 million for the Department of Energy portion of the robust nuclear earth penetrator. Second, the House fiscal year 2006 Defense appropriations bill limits research for a bunker buster to a conventional program. Finally, during its mark of the 2006 Defense authorization bill—that is the companion to the bill we are talking about this morning—the House Armed Services Committee eliminated all of the Department of Energy funding for the robust nuclear earth penetrator and transferred the \$4 million to the Air Force budget for work on a conventional non-nuclear version. So there is a growing body of thought in three specific efforts successfully concluded by the House of Representatives that says we should not proceed with this program.

Let me recap: The House Energy and Water appropriations bill eliminates \$4 million. The House 2006 Defense appropriations bill limits research to a conventional program. And finally, the House Armed Services Committee eliminated all of the Department of Energy funding for the nuclear earth penetrator and transferred it to work on a conventional nonnuclear version.

It will be a very hot conference committee on these items. But the House has taken the action in three ways rather completely.

We are not out on a limb. This is not some whim of a small faction of Members of the Senate. We represent a majority of the Members of the House of Representatives. I believe we represent a majority of thinking of the American people. Polls have been done which



clearly show a bulk of the American people are, in fact, not in support of commencing this research, of doing this study.

Let me give a fact sheet of a 2004 poll brought to my attention by the Union of Concerned Scientists. It found most Americans do not support the development of new nuclear weapons by the United States. A substantial majority of Americans would oppose funding for the nuclear bunker buster. Sixty-five percent of Americans say there is no need for the United States to develop new types of nuclear weapons. They know what the Senator from Rhode Island pointed out, that there are conventional bunker busters that should be developed. They know the key to this is good intelligence as to vent holes, ingress, egress areas, intelligence which can lead us to ferret out a nuclear bunker buster. Sixty-three percent found convincing the argument that the United States would be setting a bad example by starting to develop new types of nuclear weapons, and a large majority opposes using nuclear weapons for anything other than a deterrent to prevent other countries from using nuclear weapons. Eighty-one percent oppose the Bush administration's revelation that they would countenance a first use of nuclear weapons. Eighty-four percent oppose the United States using threats of nuclear retaliation to attempt a deterrent attack on the United States with chemical or biological weapons. And 57 percent support the United States reaffirming a commitment to not use nuclear weapons against countries that do not have nuclear weapons as a way of encouraging those countries not to acquire or build nuclear weapons.

Americans have a clear preference for a much smaller nuclear arsenal. Based on this poll, a substantial majority of Americans opposes the study into the nuclear bunker buster. These findings also show substantial distaste for nuclear weapons in general, with a clear preference for a small nuclear arsenal designed only as a deterrent to prevent other countries from using nuclear weapons.

I ask unanimous consent this fact sheet from the Union of Concerned Scientists be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**SUPPORT AMENDMENTS TO THE ENERGY & WATER APPROPRIATIONS BILL TO PREVENT NEW NUCLEAR WEAPONS**

The Robust Nuclear Earth Penetrator (RNEP) is a proposed new nuclear weapon intended to burrow a few meters into rock or concrete before exploding, thus generating a powerful underground shock wave. Its intended targets are deeply buried command bunkers or underground storage sites containing chemical or biological agents.

**Technical realities:**

According to several recent scientific studies, RNEP would have limited effectiveness at destroying underground targets and would have substantial drawbacks. Specifically, . . .

RNEP would produce tremendous radioactive fallout

RNEP could kill millions of people

RNEP would not be effective at destroying chemical or biological agents

RNEP would not be effective at destroying deep or widely separated bunkers.

**THE ROBUST NUCLEAR EARTH PENETRATOR**

The Robust Nuclear Earth Penetrator (RNEP): RNEP is a nuclear weapon that would burrow a few meters into the ground before exploding and thus generate a powerful underground shock wave. Its hypothetical targets are deeply buried command bunkers or underground storage sites containing chemical or biological agents.

The RNEP design: Weapons designers at Lawrence Livermore National Laboratory intend to use an existing high-yield nuclear warhead—the 1.2-megaton B83 nuclear bomb—in a longer, stronger and heavier bomb casing. The B83 is the largest nuclear weapon in the U.S. arsenal, and nearly 100 times more powerful than the nuclear bomb used on Hiroshima.

Technical realities: According to several recent scientific studies, RNEP would not be effective at destroying many underground targets, and its use could result in the death of millions of people.

RNEP would produce tremendous radioactive fallout: A nuclear earth penetrator cannot penetrate deep enough to contain the nuclear fallout. Even the strongest casing will crush itself by the time it penetrates 10–30 feet into rock or concrete. For comparison, even a one-kiloton nuclear warhead (less than 1/10th as powerful as the Hiroshima bomb) must be buried at least 200–300 feet to contain its radioactive fallout. The high yield RNEP will produce tremendous fallout that will drift for more than a thousand miles downwind. As, Linton Brooks, the head of the National Nuclear Security Administration told Congress in April, the laws of physics will [never allow a bomb to penetrate] far enough to trap all fallout. This is a nuclear weapon that is going to be hugely destructive over a large area."

RNEP could kill millions of people: A simulation of RNEP used against the Esfahan nuclear facility in Iran, using the software developed for the Pentagon, showed that 3 million people would be killed by radiation within 2 weeks of the explosion, and 35 million people in Afghanistan, Pakistan and India would be exposed to increased levels of cancer-causing radiation.

RNEP would not be effective at destroying chemical or biological agents: Unless the weapon detonates nearly in the same room with the agents, it will not destroy them. Because the United States is unlikely to know the precise location, size and geometry of underground bunkers, a nuclear attack on a storage bunker containing chemical or biological agents would more likely spread those agents into the environment, along with the radioactive fallout.

RNEP would not be effective against the deepest or widely separated bunkers. The seismic shock produced by the RNEP could only destroy bunkers to a depth of about a thousand feet. Modern bunkers can be deeper than that, with a widely separated complex of connected rooms and tunnels.

There are more effective conventional alternatives to RNEP: Current precision-guided conventional weapons can be used to cut off a bunker's communications, power, and air, effectively keeping the enemy weapons underground and unusable until U.S. forces secure them. Sealing chemical or biological agents underground is far more sensible than trying to blow them up.

The RNEP budget: RNEP is not just a feasibility study: DOE's 2005 budget included a five-year projection—totaling \$484.7 million—to produce a completed warhead design

and begin production engineering by 2009. The FY06 budget request includes \$4 million for RNEP and \$4.5 million to modify the B-2 bomber to carry RNEP. Last year, David Hobson, Republican chair of the House Appropriations Energy and Water Development Subcommittee, zeroed out FY05 funding for the program, stating, "we cannot advocate for nuclear nonproliferation around the globe, while pursuing more usable nuclear weapons options here at home."

**AMERICANS OPPOSE NEW NUCLEAR WEAPONS**

A 2004 poll found that most Americans do not support the development of new nuclear weapons by the United States and strongly oppose the idea of the United States ever using a nuclear weapon first. As Congress debates funding for the Robust Nuclear Earth Penetrator (RNEP), these results are particularly relevant. Findings from the poll, which was conducted by the Program on International Policy Attitudes (PIPA), include:

A substantial majority of Americans would oppose funding for the RNEP, or "bunker buster."

65% of Americans say there is no need for the United States to develop new types of nuclear weapons.

63% found convincing the argument that the United States would be setting a bad example by starting to develop new types of nuclear weapons.

A large majority opposes using nuclear weapons for anything other than a deterrent to prevent other countries from using nuclear weapons.

81% oppose the United States ever using nuclear weapons first.

84% oppose the United States using threats of nuclear retaliation to attempt to deter an attack on the United States with chemical or biological weapons.

57% percent support the United States reaffirming a commitment to not use nuclear weapons against countries that do not have nuclear weapons, as a way of encouraging those countries not to acquire or build nuclear weapons.

Americans have a clear preference for a much smaller U.S. nuclear arsenal.

100—The median answer for the number of nuclear weapons Americans believe are needed to provide deterrence.

6,000—The approximate number of U.S. nuclear weapons, with roughly 2,000 of these maintained on high alert status, ready to be launched in a matter of minutes.

Based on this poll, a substantial majority of Americans would oppose research into the RNEP, a new nuclear "bunker buster" supported by the Bush administration. These findings also show the U.S. public's distaste for nuclear weapons in general, with a clear preference for a small nuclear arsenal designed only as a deterrent to prevent other countries from using nuclear weapons.

These poll results are from "Public Believes Many Countries Still Secretly Pursuing WMD," a media release published by Program on International Policy Attitudes (PIPA) and Knowledge Networks. The poll was conducted with a nationwide sample of 1,311 respondents from March 16–22, 2004. The margin of error was plus or minus 2.8%–4.5%, depending on whether the question was administered to all or part of the sample. The release can be found at: [http://www.pipa.org/OnlineReports/WMD/WMDpress\\_04\\_15\\_04.pdf](http://www.pipa.org/OnlineReports/WMD/WMDpress_04_15_04.pdf) and the full poll at: [http://www.pipa.org/OnlineReports/WMD/WMDreport\\_04\\_15\\_04.pdf](http://www.pipa.org/OnlineReports/WMD/WMDreport_04_15_04.pdf).

Mrs. FEINSTEIN. Let me point out, House Armed Services Committee member Sylvester Raiz stated that the

House committee took the “N” or nuclear out of the robust nuclear earth penetrator program.

Remember, last year, in this strong statement I have just told you about—in the deletion of funding of the \$27.5 million for the earth penetrator and the \$9 million for advanced concepts that at the time included a study for the development of the low-yield nuclear weapons—Republicans and Democrats, authorizers and appropriators alike, joined together to send a clear signal to the administration that the House and Senate would not support moving forward with the development of a new generation of nuclear weapons. If you consider this, along with the facts I have just revealed, based on a polling of the American people, you have to wonder why the administration comes back with a new request this year.

In April of this year, a group of experts of the National Academies of Sciences confirmed what we have long argued—that according to the laws of physics, it is simply not possible for a missile casing on a nuclear warhead to survive a thrust into the earth deep enough to take out a hard and deeply buried military target without spewing millions of tons of radiation into the atmosphere.

That is where we are—funding a study that the law of physics says will not work. It is folly to me. And the repercussions are enormous. The National Academies of Sciences study, commissioned by Congress to study the anticipated health and environmental effects of the nuclear earth penetrator, found the following: that current experience and empirical predictions indicate that earth-penetrator weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion. It also found that in order to destroy hard and deeply buried targets at 200 meters, or 656 feet, you would need a 300-kiloton weapon. And in order to destroy a hard and deeply buried target at 300 meters—that is 984 feet—you would need a 1-megaton weapon.

The point is, the deeper the bunker, the larger the nuclear blast must be, and the greater the amount of nuclear fallout will be.

The number of casualties, they find, from an earth-penetrator weapon detonated at a few meters' depth, which is all that can be achieved for all practical purposes, is equal to that of a surface burst of the same nuclear weapon. Do you know what we are contemplating here, what that surface burst would be? It would be the largest spewing of radioactivity in the history of the world. Enormous. If it were used in North Korea, it would spread to South Korea and Japan. It is unthinkable.

For attacks near or in densely populated areas using nuclear earth-penetrator weapons on hard and deeply buried targets, the number of casualties would range from thousands to more than a million, depending primarily on weapon yield.

So once again, the bottom line is that a bunker buster cannot penetrate into the earth deep enough to avoid massive casualties, and there would be the spewing of millions of cubic feet of radioactive materials into the atmosphere. This would result in the deaths of up to a million people or more if used in densely populated areas.

So why are we doing this? What kind of Machiavellian thinking is behind this reopening of the nuclear door?

Ambassador Linton Brooks of the National Security Administration agrees with these findings. Earlier, in a congressional hearing, Congresswoman Ellen Tauscher asked him how deep he thought a bunker buster could go. Here is his answer from the transcript of the House hearing. I quote:

... a couple of tens of meters maybe. I mean certainly—I really must apologize for my lack of precision if we in the administration have suggested that it was possible to have a bomb that penetrated far enough to trap all fallout. I don't believe that—I don't believe the laws of physics will ever let that be true.

And remember, we are talking about a 1-megaton bomb, 71 times the size of the bomb dropped on Hiroshima—71 times bigger than the 15-kiloton bomb. The devastation from using such a weapon will be catastrophic.

The National Academies of Sciences study is the strongest evidence to date that we should not move forward with this study and that we should put a stop to it once and for all. Again, the Senate should listen to the experts and follow the House's lead.

So what is the main argument from opponents of this amendment, such as Secretary of Defense Donald Rumsfeld? Their argument is: This is just a study. Nothing is going to happen. Nobody is going to get the idea: Oh, my goodness, the United States is moving in this direction; we better move. North Korea: They are coming after us; we better get there first. India, worried about Pakistan: Let's begin to develop it. Pakistan, worried about India: Let's do the same thing.

I do not believe for a second this is just a study. This is the beginning of a major effort to develop a new generation of nuclear weapons, and nobody should think it is anything else but that.

This year, the request is \$8.5 million. In fiscal year 2007, the request will increase to \$17.5 million, including \$14 million for the Department of Energy and \$3.5 million for the Pentagon. And while the administration is silent this year on how much it plans to spend on the program in future years, we should not forget that last year's budget request called for spending \$486 million on the robust nuclear earth penetrator over 5 years. So that part of the plan was revealed. This 5-year figure was omitted this year, and that is deceiving, I believe. But even if you accept the argument that this is just a study, that does not justify moving forward with this program.

First, a study on the development of new nuclear weapons will still greatly

undermine our nuclear nonproliferation efforts by telling the rest of the world that when it comes to nuclear weapons, do as we say and not as we do. That is hypocrisy, pure and simple. How does that make us safer from the prospect of nuclear terror? Answer: It does not.

In a letter to committee members of the Senate Appropriations Committee, the Reverend John H. Ricard, bishop of Pensacola-Tallahassee and chairman of the Committee on International Policy of the U.S. Conference of Catholic Bishops, stated:

Nations that see the U.S. expanding and diversifying our nuclear arsenal are encouraged to seek or maintain nuclear deterrents of their own and ignore nonproliferation obligations.

I could not agree more.

How will a study of new nuclear weapons help compel North Korea to abandon its nuclear program? It will not. It will do exactly the opposite. How will a study of new nuclear weapons help convince the Iranians to respond and give up their own nuclear weapons? Answer: It will not. Just as calling these nations part of the “axis of evil” has done nothing but instill in them the desire to develop their own nuclear weapons programs. That, in fact, has been exactly the case.

In both cases, a study to develop new nuclear weapons, especially when we already have a robust nuclear arsenal, only makes those weapons more important to those who do not yet have them, such as Iran, or who refuse to give them up, such as North Korea. And the proliferation of nuclear weapons only increases the chances of them falling into the hands of terrorists who will not be deterred by a nuclear bunker buster.

Secondly, a study will not change the conclusions of the National Academies of Sciences report: It is not possible to develop a nuclear bunker buster that can burrow deep enough into the earth to contain massive amounts of radioactivity fallout. The inevitable result will be the deaths of up to a million people.

So why do we do it? Physics says it cannot be done, and somebody in the Pentagon who does not know word one about physics says it can be. Who do I trust? I do not trust the Pentagon, I do trust the Academies of Sciences, on this point. This study will not change that simple fact. And as Ivan Oelrich of the Federation of American Scientists points out:

Any nation that can dig under a hundred meters of hard rock can dig under a kilometer of hard rock.

Our adversaries will only have to build a bunker deeper than 400 meters to avoid the effects of a 1-megaton bomb that is 71 times bigger than Hiroshima. It makes no sense.

Finally, a study will not change the fact that we need to improve our intelligence capabilities in relation to underground targets. Why aren't we putting that money into intelligence on

underground targets, where the vent shafts are, where the aromas come up, where ingress, egress, and access is, to pinpoint locations? What use is a nuclear bunker buster if we cannot locate and identify an underground target which, ladies and gentlemen, is today the case?

What would have been the consequences if we had used a nuclear bunker buster in Iraq to take out bunkers filled with chemical and biological weapons—that did not exist? The fact is, we can improve our intelligence capabilities and locate and identify targets. We can use conventional weapons with specialized delivery systems to seal off their vulnerable points, such as air ducts and entrances for personnel and equipment.

We can also look at conventional bunker busters. Last month, I was briefed by Northrop Grumman on a program they are working on with Boeing to develop a conventional bunker buster—the Massive Ordnance Penetrator—which is designed to go deeper than any nuclear bunker buster and take out 25 percent of the underground and deeply buried targets. This is a 30,000-pound weapon, 20 feet in length, with 6,000 pounds of high explosives. It will be delivered in a B-2 or B-52 bomber. It can burrow 60 meters in the ground through 5,000 PSI—pounds per square inch—of reinforced concrete. It will burrow 8 meters into the ground through 10,000 PSI reinforced concrete.

We have already spent \$6 million on this program, and design and ground testing are scheduled to be completed next year. Why are we doing this nuclear bunker buster that cannot be done according to the law of physics? We should focus on practical programs such as the Northrop Grumman-Boeing program that will put these underground targets at risk without reopening the nuclear door.

Let me look once again at the policies underlying this request.

The 2002 Nuclear Posture Review, which is a white paper put out by the administration—singularly overlooked by this body but read widely by the rest of the world—places nuclear weapons as part of the strategic triad, therefore blurring the distinction between the conventional and nuclear use. Why do this? One reason: It makes them easier to use. It also discussed, for the first time, seven countries that could be targets of U.S. nuclear weapons: Russia, China, Iraq, Iran, North Korea, Libya, Syria.

I did not write this. This is in the Nuclear Posture Review. Other nations have seen this. This is foolish.

Secondly, National Security Directive-17, which came a few months later, indicates that the United States will engage in a first use of nuclear weapons—a historic statement in itself. We have never said we would not engage in a first use. We have never said we would engage in a first use. And here we say we would engage in a first use to respond to a chemical or biological attack.

We could have done that in Iraq. What would have happened had we done this? Would a nuclear bunker buster have been used in Iraq? I wonder. Fortunately, we will never know.

My point is, these policies encourage other nations to develop similar weapons, thereby putting American lives at risk and our national security interests at risk. This isn't the example we should set for the rest of the world. Indeed, I believe the United States can take several actions to make better use of our resources and demonstrate our commitment to keeping the world's most dangerous weapons out of the world's most dangerous hands.

First, we should work to strengthen the Nuclear Proliferation Treaty. Senator HAGEL and I have introduced a sense of the Senate amendment to this bill that calls on parties to the Nuclear Proliferation Treaty to insist on strict compliance with the nonproliferation obligations of the treaty and to undertake effective enforcement actions against states that are in violation of their obligations; to agree to establish more effective controls on sensitive technologies that can be used to produce materials for nuclear weapons; to accelerate programs to safeguard and eliminate nuclear weapons usable material to the highest standards to prevent access by terrorists or other states; to agree that no state may withdraw from the treaty and escape responsibility for prior violations of the treaty or retain access to controlled materials and equipment acquired for peaceful purposes; and to accelerate implementation of the NPT-related disarmament obligations and commitments that would, in particular, reduce the world's stockpiles of nuclear weapons and weapons-grade material.

I urge my colleagues and the managers of this bill to support our amendment.

Second, we should expand and accelerate Nunn-Lugar threat reduction programs and provide the necessary resources to improve security and take the rest of the Soviet era nuclear, chemical, and biological weapons arsenals and infrastructure out of circulation.

Third, we should strengthen and expand the ability of the Department of Energy's Global Threat Reduction Initiative to secure and remove nuclear weapons-usable materials from vulnerable sites around the world.

Last year, Senator DOMENICI and I sponsored an amendment to the fiscal year 2005 National Defense Authorization Act that authorized the Secretary of Energy to lead an accelerated, comprehensive, worldwide effort to secure, remove, and eliminate the threat by these materials.

Finally, as I noted previously, we should improve our intelligence capabilities to locate and identify underground targets. There is a lot of improvement needed.

In August, we will commemorate the 60th anniversaries of the two uses of

nuclear weapons on Hiroshima and Nagasaki. In Hiroshima, 140,000 people died. In Nagasaki, 100,000 people lost their lives. Two bombs, 240,000 people dead. The 1-megaton bomb of the robust nuclear earth penetrator study is 71 times bigger than the bomb at Hiroshima. That is what we are looking at. For shame.

What message do we send to the survivors of those attacks and to the friends and families of the victims by moving forward with a study to develop a nuclear bunker buster of 1 megaton? Let us acknowledge these anniversaries and pay tribute to the victims by putting a stop to this program once and for all. Let us work together on commonsense programs that will make our country safer without reopening the nuclear door.

I urge my colleagues to follow the House lead, support this amendment and kill this program.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. LEVIN. Will the Senator from Colorado yield for a unanimous consent request?

Mr. ALLARD. Yes.

Mr. LEVIN. I have talked to the chairman about this. I ask unanimous consent, with the concurrence of the chairman, after Senator ALLARD has completed, that the Chair then recognize Senator SALAZAR, and following Senator SALAZAR, that then Senator DORGAN be recognized. It is a little bit out of order because we have been going back and forth, but in terms of time, I think it may be a fair apportionment.

Mr. WARNER. Reserving the right to object, I would like to amend it to enable the distinguished Senator from Alabama, whose subcommittee has jurisdiction over at least one of the amendments of Senator ALLARD, be permitted to use such time as he desires in the colloquy between the three Senators.

Mr. LEVIN. I would ask Senator SESSIONS if he could give us an idea as to about how long he would be so Senator DORGAN could plan his time.

Mr. SESSIONS. It would be no more than 5 minutes—less than that, probably.

Mr. LEVIN. Could we then amend the unanimous consent request to include Senator SESSIONS immediately following Senator SALAZAR, then it would go to Senator DORGAN.

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

The Senator from Colorado.

Mr. ALLARD. I thank the Chair.

Madam President, I rise in opposition to the amendment to strike the \$4 million appropriation for the robust nuclear earth penetrator commonly known as RNEP. There are some comments made in the debate today to which I would like to add my perspective because they were basically incorrect.

We have been debating this amendment for the past 3 years. And we have been passing this provision in the Senate, defeating any amendments to take it out of legislation. In all the testimony I have had over the past 3 years as chairman of the Strategic Subcommittee, which my distinguished colleague from Alabama now chairs, never once has anybody, in testifying before that committee, said that there will not be any nuclear fallout. Not once have they indicated that they felt this was going to lead us into an arms race.

Here is what we have done. This is what they have talked about, taking some of the nuclear warheads that we now have in our nuclear arsenal and redesigning those in a way in which they might be more effective, if we happen to have a deep bunker that is posing a threat to Americans, whether American soldiers or American citizens.

We need to have a study. That is what this provision is all about. What we are talking about is reducing the amount of collateral damage. That means reducing the amount of, perhaps, nuclear fallout or perhaps reducing the blast range because you take all that energy and you drive it down into the ground instead of driving it in a horizontal direction, which obviously means for collateral damage. They are talking about focusing the study on the B-83 warhead which is part of our arsenal today. That is all we are talking about, a study. We are going to be looking at the current arsenal makeup of weapons that we have to modify them to reduce collateral damage. I think that is a commendable goal. I think it warrants the support of the Members of the Senate.

This bill includes funding of \$4 million to continue the Air Force-led feasibility study. This is a study on the robust nuclear earth penetrator. This is not a new issue for Congress to consider. In both the defense authorization and the Energy and Water appropriations bills, amendments have been offered to cut all funding for the robust nuclear earth penetrator. These amendments have been defeated on multiple occasions.

The purpose of the RNEP feasibility study is to determine if an existing nuclear weapon can be modified to penetrate into hard rock in order to destroy a deeply buried target that could be hiding weapons of mass destruction or command and control assets. The Department of Energy has modified nuclear weapons in the past to modernize their safety and security and reliability aspects. We have also modified existing nuclear weapons to meet our new military requirements. Under the Clinton administration, we modified the B-61 so it could penetrate frozen soils. The RNEP feasibility study is narrowly focused to determine whether the B-83 warhead can be modified to penetrate hard rock or reinforced underground facilities.

Funding research on options, both nuclear and conventional, for attack-

ing such targets is a responsible step for our country to take. As many as 70 nations are developing or have built hardened and deeply buried targets to protect command and communications and weapons of mass destruction production and storage assets. Of that number, a number of nations have facilities that are sufficiently hard and deep enough that we cannot destroy most of them with our conventional weapons. Some of them are so sophisticated that they are beyond the current U.S. nuclear weapons capability.

I believe it is prudent and imperative that we fund this study. I emphasize again, this is a study on the potential capabilities to address this growing category of threat.

Should the Department of Energy determine, through this study, that the robust nuclear earth penetrator can meet the requirements to hold a hard and deeply buried target at risk, the Department still could not proceed to full-scale weapon development, production or deployment without an authorization and appropriation from Congress. Let me repeat that. The Department of Energy cannot go ahead, beyond this study, without the express authorization or appropriation from Congress.

Frankly, we should allow our weapons experts to determine if the robust nuclear earth penetrator could destroy hardened and deeply buried targets. That is the purpose of the study. Then Congress could have the information it would need to make a responsible decision as to whether development of such a program is appropriate and necessary to maintain our Nation's security.

Again, I urge my colleagues to oppose the amendment before us.

#### AMENDMENT NO. 1418

Mr. ALLARD. Madam President, I ask unanimous consent to lay aside the pending amendment so I may offer a number of amendments.

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

Mr. ALLARD. Madam President, I send to the desk amendment No. 1418.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. McCONNELL, proposes an amendment numbered 1418.

Mr. ALLARD. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require life cycle cost estimates for the destruction of lethal chemical munitions under the Assembled Chemical Weapons Alternatives program)

On page 66, after line 22, insert the following:

#### SEC. 330. LIFE CYCLE COST ESTIMATES FOR THE DESTRUCTION OF LETHAL CHEMICAL MUNITIONS UNDER ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Upon completion of 60 percent of the design build at each site of the Assembled Chemical Weapons Alternatives program, the Program Manager for Assembled Chemical Weapons Alternatives shall, after consultation with the congressional defense committees, certify in writing to such committees updated and revised life cycle cost estimates for the destruction of lethal chemical munitions for each site under such program.

#### AMENDMENT NO. 1419

Mr. ALLARD. Madam President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 1419.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. SALAZAR, proposes an amendment numbered 1419.

Mr. ALLARD. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize a program to provide health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado, who would otherwise fail to qualify for such benefits because of an early physical completion date)

On page 378, between lines 10 and 11, insert the following:

#### SEC. 3114. RETIREMENT BENEFITS FOR WORKERS AT ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) PROGRAM AUTHORIZED.—Subject to the availability of funds under subsection (d), the Secretary of Energy shall establish a program for the purposes of providing health, medical, and life insurance benefits to workers at the Rocky Flats Environmental Technology Site, Colorado (in this section referred to as the "Site"), who do not qualify for such benefits because the physical completion date was achieved before December 15, 2006.

(b) ELIGIBILITY FOR BENEFITS.—A worker at the Site is eligible for health, medical, and life insurance benefits under the program described in subsection (a) if the employee—

(1) was employed by the Department of Energy, or by contract or first or second tier subcontract to perform cleanup, security, or administrative duties or responsibilities at the Site on September 29, 2003; and

(2) would have achieved applicable eligibility requirements for health, medical, and life insurance benefits as defined in the Site retirement benefit plan documents if the physical completion date had been achieved on December 15, 2006, as specified in the Site project completion contract.

(c) DEFINITIONS.—In this section:

(1) HEALTH, MEDICAL, AND LIFE INSURANCE BENEFITS.—The term "health, medical, and life insurance benefits" means those benefits that workers at the Site are eligible for through collective bargaining agreements, projects, or contracts for work scope.

(2) PHYSICAL COMPLETION DATE.—The term "physical completion date" means the date

the Site contractor has completed all services required by the Site project completion contract other than close-out tasks and services related to plan sponsorship and management of post-project completion retirement benefits.

(3) PLAN SPONSORSHIP AND PROGRAM MANAGEMENT OF POST-PROJECT COMPLETION RETIREMENT BENEFITS.—The term “plan sponsorship and program management of post-project completion retirement benefits” means those duties and responsibilities that are necessary to execute, and are consistent with, the terms and legal responsibilities of the instrument under which the post-project completion retirement benefits are provided to workers at the Site.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to the Secretary of Energy in fiscal year 2006 for the Rocky Flats Environmental Technology Site, \$15,000,000 shall be made available to the Secretary to carry out the program described in subsection (a).

Mr. ALLARD. Madam President, I rise to discuss amendment No. 1419 and the incredible achievements of the workers at the Department of Energy's Rocky Flats environmental technology site and to offer an amendment on behalf of these workers. Rocky Flats is located a few miles northwest of Denver, CO. For four decades, this facility was the Department of Energy's dedicated site for manufacturing plutonium pits for the U.S. nuclear weapons stockpile.

This highly classified production facility was run by over 8,000 Coloradans who worked day and night for most of the Cold War and used some of the most dangerous substances known to man, including plutonium, beryllium, and uranium. The workers at Rocky Flats were devoted to their jobs and believed in their mission. They risked their lives on a daily basis and did so with the knowledge that their efforts were contributing to the security of our Nation. They are heroes of the Cold War and have earned our respect, admiration, and our appreciation.

When plutonium pit production ended in 1991, it was unclear what role these workers would play in the cleanup of Rocky Flats. They could have walked away from the job. They had performed their duty with excellence for nearly 40 years. No one could ask them to do more. Yet the workers at Rocky Flats were not ready to quit. They saw a new challenge in front of them—a challenge they could not walk away from. They knew the cleanup would be difficult and very dangerous, but they were not deterred.

These workers stayed and, over the next decade, they performed magnificently. Their task was anything but simple. Five large plutonium processing facilities encompassing over a million square feet were highly contaminated with dangerous radioactive material. The contamination was so severe that these buildings were ranked among the top 10 contaminated facilities in the DOE nuclear weapons complex. Building No. 771, in particular, was even singled out by the national media as “the most dangerous building in America.”

The cleaning and eventual demolishing of these buildings was just the beginning. Hundreds of vials of contaminated process piping interlaced the complex. More than a dozen infinity rooms were so contaminated that they had been sealed and abandoned—some for as long as 30 years. Hundreds of tons of plutonium compound, uranium byproducts, and other radioactive and toxic residues remained at Rocky Flats.

Yet the workers at Rocky Flats were not deterred. They had built components using some of the most dangerous substances the world has ever known. Now they were ready to tackle one of the most dangerous cleanup projects ever contemplated.

In 1992, Rocky Flats was transferred to the DOE's environmental management program for the purpose of cleaning up the contamination and waste. Few knew where to begin. The unprecedented size and magnitude of the project was simply daunting. It took years to just figure out the best approach to the project. The expected cost was also staggering. In 1995, the cleanup was predicted to cost upward of \$35 billion and to take 70 years to complete.

When I came to the Senate in 1996, the cleanup of Rocky Flats had been dragging out for nearly 4 years with little progress. Tons of weapons-grade plutonium remained and most buildings at Rocky Flats had not been touched. More than 2 million 55-gallon drums of waste needed to be removed.

I found this lack of progress simply unacceptable. The safety of the people of Colorado was at risk and the American taxpayer could ill afford to allow this project to drag on indefinitely. At my urging, the DOE, in 2000, finally put the resources into accelerating the cleanup of Rocky Flats. Under the leadership of then-Under Secretary Bob Card, and then-Assistant Secretary Jesse Roberson, the DOE took the unprecedented step of rethinking its approach to the cleanup. These creative leaders challenged the lead contractor, CH2M HILL, and the workers at Rocky Flats to move much more aggressively. They were given the seemingly impossible mission of completing the cleanup of the massive contamination at Rocky Flats by 2007, at a cost of less than \$7 billion.

Most scoffed at this approach. They believed there would be considerable cost overruns and schedule delays. They didn't think CH2M HILL could effectively execute this kind of contract. Most of all, they doubted the commitment of the workers at Rocky Flats. They could not fathom why these workers would work themselves out of a job. Even the GAO doubted the ability of the workers at Rocky Flats to ship massive quantities of waste required to achieve closure by 2006.

I, however, had faith in the workers at Rocky Flats. I am pleased to state today that Kaiser-Hill and the workers at Rocky Flats have not disappointed

me. In fact, it appears that Kaiser-Hill and the workers at Rocky Flats are far exceeding their cleanup commitments.

I cannot express the full extent of how proud I am of their achievement. Listen to some of their accomplishments: All weapons grade plutonium was removed in 2003.

More than 1,400 contaminated glove boxes and hundreds of process tanks have been removed.

More than 400,000 cubic meters of low-level radioactive waste has been removed.

Six hundred and fifty of the eight hundred and two facilities have been demolished.

All four uranium production facilities have been demolished.

All five plutonium production facilities have been demolished or will be within the next 3 months.

Three hundred and ten of three hundred and sixty sites of soil contamination have been remediated.

The last shipment of transuranic waste was shipped this past April.

It now appears that the cleanup of Rocky Flats will be completed—completed—as early as this October, a full year ahead of schedule, and save the American taxpayers not thousands, not millions, but billions upon billions of dollars.

Mr. President, you can only appreciate the magnitude of this accomplishment when you realize that within 6 years, Rocky Flats will have been transformed from one of the dangerous places on Earth to a beautiful and safe natural wildlife refuge.

I applaud the leadership provided by CH2M HILL. The management expert provided by this company was critical to this effort. Kaiser-Hill took the challenge head on despite the tough schedule and limited funding. The company can be proud of its accomplishments and its contribution to the safety of the people of Colorado.

Yet CH2M HILL could not have achieved the demanding goals established by the Department of Energy without the hard work and determination of the Rocky Flats workers. Most of these workers had to literally develop an entire new skill set. They went from manufacturing plutonium pits to dismantling glove boxes. They cleaned up rooms that were so contaminated that they were forced to use the highest level of respiratory protection available.

Perhaps more important, these workers were extraordinarily productive even though they knew they were essentially working themselves out of a job. With the completion of the cleanup and closure of Rocky Flats, they knew they would have to find employment elsewhere. There was no guarantee that the next job would pay as much or provide the same level of benefits.

Despite knowing they were going to lose their jobs, the workers at Rocky Flats remained highly motivated and totally committed to their cleanup

mission. They believed in what they were doing and worked hard to clean up the facility as quickly and as safely as possible. They achieved more in less time and with less money than anyone dreamed possible. I am proud of the workers at Rocky Flats. I believe they have once again earned our Nation's sincere appreciation and respect.

Given the sacrifice and dedication demonstrated by these workers, you would think the Department of Energy would do everything it could to ensure that these workers received the compensation and benefits they have earned.

You would think assisting those workers who lose their retirement benefits because of the early completion of the cleanup would be a top priority of the Department. After all, these workers saved the Department billions upon billions in cleanup costs.

Last year, it became clear to the DOE and to me that the cleanup at Rocky Flats could be completed much earlier than anyone expected. The workers were supportive of early closure but were concerned that some of their colleagues would lose retirement benefits because of early closure.

I share their concern and requested in last year's Defense authorization bill that the DOE provide Congress with a report on the number of workers who would not receive retirement benefits and the cost of providing these benefits. After a lengthy delay, the DOE reported that about 29 workers would not receive pension and/or lifetime medical benefits because of early closure. The cost of providing benefits to these workers is estimated to be just over \$12 million.

To my dismay, I discovered the DOE's report was woefully incomplete. I was subsequently informed that at least another 50 workers would have qualified for retirement benefits had the DOE bothered to include those workers who had already been laid off because of the accelerated closure schedule.

Mr. President, this means as many as 75 workers at Rocky Flats will lose their pensions, medical benefits, or, in some cases, both because they worked faster, less expensively, and achieved more than they were supposed to. They not only worked themselves out of a job but also out of retirement benefits and medical care.

I find the Department of Energy's refusal to pay these benefits to be outrageous.

Many of the workers at Rocky Flats served our Nation for over two decades. They have risked their lives day in and day out, first by building nuclear weapon components, and then by cleaning up some of the most contaminated buildings in the world. All they have asked for in return is to be treated with fairness and honesty.

To my disappointment, and to the disappointment of the workers at Rocky Flats, the DOE cannot seem to keep its end of the bargain.

These workers would have received retirement benefits had the cleanup continued to 2035, as originally predicted. The workers would have received their retirement benefits had the cleanup continued to December 15, 2006, as the site contract specified. But by accelerating the cleanup by over a year and saving the taxpayers hundreds of millions of dollars, these workers are left without the retirement benefits they deserve and, I feel, have justly earned.

Mr. President, the Department's refusal to provide these benefits has ramifications far beyond Rocky Flats. Because Rocky Flats is the first major DOE cleanup site, workers at other sites around the country are watching to see how the DOE treats the workers at Rocky Flats. Unfortunately, they have seen how the DOE has failed to step up and provide retirement benefits to those who have earned it.

The workers at other sites now have no incentive to accelerate cleanup. Why should they? The Department of Energy hasn't lifted a finger to help the workers at Rocky Flats. It would be foolish for workers at other sites to think the DOE would act fairly with them if they accelerated cleanup.

To me, the Department's decision is penny-wise and pound-foolish. By refusing to provide these benefits, the Department saves money in the short term. Yet by discouraging the workers from supporting acceleration, the Department is going to cost the American taxpayers hundreds of millions in additional funding in the long run.

I believe Congress needs to correct the Department's mistake before it is too late.

Today, I offer an amendment that will provide some of the benefits to those workers who have lost them because of early closure. I am pleased that my colleague from Colorado, Senator SALAZAR, has agreed to cosponsor this important amendment. I support his bipartisan effort. The amendment is narrowly focused on providing health, medical, and life insurance benefits to those workers affected.

This amendment is limited in the funding it provides. It is solely focused on providing these benefits to those workers who would have received health, medical, and life insurance benefits had the site remained open until December 15, 2005, the date of the site cleanup contract.

To be clear, these benefits are not an additional bonus for a job well done, nor is it a going away present for those two decades of service. The health, medical, and life insurance benefits are what these workers have already earned—nothing more, nothing less.

I urge my colleagues to support this amendment. These workers have earned these benefits, and it is up to this body to see they receive it.

Let's not let the bureaucrats in the Department of Energy tarnish the credibility of the Federal Government. It is time for this body to correct this

mistake before the Department's foolishness costs the American taxpayers even more money in the future.

I yield the floor.

Mr. SESSIONS. Madam President, I think under the UC, I was given a few minutes.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator ALLARD for his leadership in the Senate and for his leadership on nuclear issues. There is no one who understands the issue more. No one has been more committed to effectively and efficiently eliminating the difficulties at Rocky Flats than he has, and the Nation is in his debt. That I say with certainty.

At one time in my life, I was a U.S. attorney and am aware that Federal officials are limited in certain of their powers. Somebody might say they have earned something, but maybe they have not legally earned it. And if they have not legally earned it, they cannot be paid for it.

I don't know where we will come out with this amendment the Senator has offered. I know how committed Senator ALLARD and Senator SALAZAR are to helping these employees, but I note that as I understand it, these are not governmental employees but employees of a private contractor. That complicates matters, to say the least.

We are talking about providing benefits to employees of a private contractor over and above the collective bargaining agreement they had. Since this program has been scheduled to be completed, they did have benefits in the agreement for them for early termination and early generous payments when this contract ended.

I say to my friend how much I respect him. I am telling you, Madam President, he is working. He has almost shut down the Senate over this issue, but I am not sure we can ask the Department of Energy and I am not sure this Congress can take this step. We are closing BRAC sites around the country. We have a chemical weapons facility in my State destroying poison gases. I hope it finishes early. I am not sure we can give every private contractor employee a bonus. Presumably the company had that in their contract.

Those are the problems with which we are dealing. It is not a lack of concern. It is real difficulties that exist. I salute both Senators from Colorado for their interest in these employees. I share those concerns.

Mr. ALLARD. Will the Senator from Alabama yield?

Mr. SESSIONS. I will be pleased to yield. I have just a minute, as I know the Presiding Officer is committed to leaving and I am supposed to replace her.

Mr. ALLARD. Madam President, I appreciate the fine work of the Senator from Alabama, a good friend of mine. There are a couple points I would like to make.



The workers at Rocky Flats were paid by Federal dollars. They were not technically employed by the Federal Government. Their benefits were paid by the Federal Government. There is a commitment there, in my view. This amendment tries to correct any legal problems we may have there.

Again, I appreciate the concern and interest the chairman of the Subcommittee on Strategic Affairs has toward this issue. I hope somehow we can resolve this in all fairness, not only to the taxpayers but also to the workers.

Mr. SESSIONS. I thank the Senator. The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, before my colleagues depart—I have been engaged in a wide variety of activities here—can the Senator advise me, through the Chair, are these to be pending amendments to be voted on? Is there to be a further period of debate? We want to accommodate the Senator's desire if he could give us a clarification of the procedures he hopes to have.

Mr. ALLARD. Madam President, we may very well have to vote on these pending amendments. I would like to have them available for that purpose. I would like to continue to talk with the staff of the Department of Energy and the chairman and his staff. But if necessary, I would like to have an opportunity to have a vote on this amendment.

Mr. WARNER. Would the Senator consider seeking the votes now so they are in that category? Does the Senator wish to have a rollcall vote, Madam President?

Mr. ALLARD. The proper request is, I ask for their consideration.

The ACTING PRESIDENT pro tempore. The amendments are pending.

Mr. WARNER. I think that is sufficient clarification.

Mr. ALLARD. We would like to have a vote on the amendments.

Mr. WARNER. At the appropriate time, we can arrange that.

I thank the distinguished Senators from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Madam President, I rise in strong support of amendment No. 1419 offered by Senator ALLARD, my good friend from Colorado. I fully support it. I think it demonstrates the bipartisan nature of this particular amendment.

Let me make two points with respect to Rocky Flats. First and foremost, I think this Nation should be very grateful to the workers of Rocky Flats for having done what they did during almost five decades to make sure we did everything within our power to bring about an end to the Cold War. The men and women who worked at Rocky Flats were principally responsible for creating the nuclear arsenal we had in our Nation that allowed us to be strong during the Cold War, that allowed us to then bring the Cold War to an end.

At the same time, it is important for us to recognize that within the Depart-

ment of Energy complex today, there are numerous sites that are undergoing very difficult, very complex, and very expensive cleanups. The men and women of Rocky Flats, who have been working there for decades, have been the ones who have taught the United States of America, including the Department of Energy, what it is we have to do to make sure we can move forward with an efficient, effective cleanup that will cost less money.

Indeed, the contract for the cleanup of Rocky Flats had called for that contract to be completed at the end of this year, 2005. But because of the good work of the men and women at Rocky Flats, that schedule has been expedited.

Indeed, when one looks back at the history of Rocky Flats over the last several years, there was a time when it was thought Rocky Flats would not be cleaned up and ready for closure until 2010. Later it was 2007, and moved back to 2006. Yet employees working with CH2M HILL at Rocky Flats have brought the conclusion of Rocky Flats to probably October of this year, which is only a few months away.

For the employees who worked at Rocky Flats during this timeframe, they had an expectation that the contract would be in place through the end of December 31, 2005. The amendment which has been authored by Senator ALLARD and by myself and offered to our colleagues to consider simply recognizes the contribution of these employees so they are, in fact, made whole.

With all due respect to my friend from Alabama, I have to say these employees were Federal employees and were brought in to continue the work that had to be done there at Rocky Flats with respect to the cleanup.

The amount of money we are asking for in this amendment is a small amount relative to the billions and billions of dollars that have been spent in the Department of Energy complex and cleanups that have not been as successful as the one at Rocky Flats.

I join my colleague Senator ALLARD in urging bipartisan support for this amendment because it recognizes, first, the men and women who helped us bring about the end of the Cold War and, second, the men and women who helped us demonstrate to this country how it is you take a facility contaminated with plutonium and how it is you clean it up in record time, and which will serve as a model for America as we move forward in the cleanup of DOE facilities.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from North Dakota.

AMENDMENT NO. 1415

Mr. DORGAN. Mr. President, I have come to the floor to offer a couple of amendments. First I will say a few words about the amendment offered by the Senator from Massachusetts and the Senator from California. Senator

FEINSTEIN was speaking on it when I came to the Chamber today. That is the question of money that is designated to begin research on the construction, hopefully, according to those who want it, of an earth penetrating bunker buster nuclear weapon.

There is somewhere in the neighborhood of 25,000 to 30,000 nuclear weapons on this Earth. Mr. President, 25,000 to 30,000 nuclear weapons exist on this Earth. And now we have people talking about building new nuclear weapons in this country, building designer nuclear weapons, creating a new category of nuclear weapons, beginning to test nuclear weapons once again. That strikes me as pretty foolhardy because our responsibility as the world's superpower is to lead in a direction that tries to prevent nuclear weapons from ever entering into the hands of terrorists or rogue nations or adversaries. Our leadership responsibility is to try to stop the spread of nuclear weapons, to convince others not to build nuclear weapons.

Let me read from Time magazine, March 11, 2002.

For a few harrowing weeks last fall, a group of U.S. officials believed that the worst nightmare of their lives—something even more horrific than 9/11—was about to come true. In October, an intelligence alert went out to a small number of Government agencies, including the Energy Department's top secret Nuclear Emergency Search Team based in Nevada. The report said terrorists were thought to have obtained a 10-kiloton nuclear weapon from the Russian arsenal and planned to smuggle it into New York City.

The source of the report was an agent code name Dragonfire who intelligence officials believed was of "undetermined" reliability. But Dragonfire's claim tracked with a report from a Russian general who believed his forces were missing a 10-kiloton nuclear weapon.

Since the mid-'90s, proliferation experts have suspected that several portable nuclear devices might be missing from the Russian stockpile. That made this Dragonfire report alarming. So did this: Detonated in lower Manhattan, a 10-kiloton bomb would kill some 100,000 civilians. . . . And counterterrorist investigators there went on their highest state of alert.

That was from Time magazine, March of 2002. Many of us heard reports of this before. It said following 9/11 in October of that year, there was a rumor that intelligence officials took seriously that terrorists had acquired a nuclear weapon and were intending to smuggle that nuclear weapon into a major American city and detonate it.

Interestingly, no one believed it was impossible for someone to have obtained a nuclear weapon. There are 25,000 to 30,000 nuclear weapons on this Earth. We hear the stories about the then-Russian nuclear stockpile of thousands of weapons without adequate control and maintenance, some reports about the command and control of those weapons being dealt with with pencil notations and notebook paper. So it was not beyond the pale that someone could have stolen a nuclear

weapon. Neither did intelligence officials doubt that having stolen a nuclear weapon, terrorists would be able to find a way to detonate a nuclear weapon.

Why do I mention this? Because with the thousands of nuclear weapons that exist in this world, the acquisition of one nuclear bomb by a terrorist group detonated in a major city in this country or in other countries will cause a catastrophe unlike any we have ever known.

(Mr. LUGAR assumed the Chair.)

That ought to persuade us that our responsibility is to do everything humanly possible, as the world's most powerful nation, to stop the spread of nuclear weapons, to prevent terrorists in rogue nations from ever acquiring nuclear weapons, and to begin reducing the number of nuclear weapons. That is our leadership responsibility. That responsibility falls to our country and yet we have people who say, well, not to worry about that; in fact, let us talk about building new nuclear weapons; let us design different nuclear weapons. There is even talk about potentially using a nuclear weapon. There is discussion about beginning testing nuclear weapons. I think that sort of thing is reckless because it sends a signal to the rest of the world that we are not really serious about trying to reduce the number of nuclear weapons in this world.

We should be serious about it. It ought to be the highest priority for this country to stop the spread of nuclear weapons, halt the ability of terrorists to ever acquire a nuclear weapon with which they would threaten thousands, tens of thousands, hundreds of thousands of people.

This Defense authorization bill is spending a great deal of money on an antiballistic missile defense system, kind of a catcher's mitt, in case a terrorist organization or rogue nation would launch an intercontinental ballistic missile against our country with a nuclear warhead. This antiballistic missile program is kind of a catcher's mitt to go up and catch a speeding bullet and hit it with another speeding bullet. Frankly, it is the least likely threat to this country. The threat that a terrorist organization or a rogue nation would acquire an intercontinental ballistic missile armed with a nuclear warhead and then shoot it at our country, that is one of the least likely scenarios.

The most likely scenario would be a terrorist or rogue nation acquiring a nuclear weapon through theft or some other device and then deciding to put it in the trunk of a rusty car sitting in a dock in New York City or putting it in one of the many containers that show up at an American port on a container ship. After all, there are 5.7 million containers that show up at our ports. Only a very small percentage are ever inspected. That is a much greater, much more likely threat to this country.

I have great concern about those who talk so easily about our country building new nuclear weapons, perhaps even using a nuclear weapon. We have heard that language in recent years, talking about the need to create designer nuclear weapons. Our responsibility is far greater than that. I believe our responsibility as a world leader is to lead in the direction of preventing the spread of nuclear weapons; to do everything humanly possible to prevent the spread of nuclear weapons; to do everything humanly possible to control the nuclear weapons that now exist and safeguard those nuclear weapons that now exist.

Since the Presiding Officer is from the State of Ohio, I will show something I have shown many times that is in my desk. I ask unanimous consent to show my colleagues two pieces of information.

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

Mr. DORGAN. This happens to be from a wing strut of a backfire bomber that the Soviets used to fly when we were in the Cold War. My assumption perhaps is that this bomber carried nuclear weapons. In the Cold War, the nuclear weapons on top of missiles were aimed at our country. The nuclear weapons carried in the bomb bay of a backfire bomber did not mean good things for our country.

How did I acquire a piece of an airplane that was part of a Soviet bomber? This happens to be sawed off the wing of that airplane. It was sawed off the wing of an airplane at American taxpayer expense, one of the most successful things we have ever done. The reason I mention it now is the Presiding Officer's name is on that legislation, and through a program advanced by Senators LUGAR and NUNN, we have had remarkable success in reducing the weapons delivery systems.

This is from a bomber. This is the ground-up copper wire of a submarine that used to stealthily move under the waters of our oceans, again with nuclear weapons, with warheads prepared to aim at American cities. How did I acquire copper wire from a submarine that belonged to the Soviet Union? That submarine was taken apart, dismantled, as a result of arms control agreements that dismantled weapons delivery systems that at one point threatened America.

It is now in this form, a piece of a bomber and copper wire from a submarine, which I hold in my hand on the Senate floor because programs like the Nunn-Lugar program, things like arms control agreements, do work and can work to reduce the threat in this country. I have had this in my desk for some while and have used it only to demonstrate that our responsibility as a world leader is to lead in the direction of doing everything humanly possible to reduce the number of nuclear weapons on this Earth, to stop the spread of nuclear weapons to rogue nations, terrorists, and other countries

that desperately wish to acquire them, and to safeguard the nuclear weapons that already exist in our arsenal to make certain that they are not acquired by other interests.

That is a diversion from the point I was making but an important one, I think. I came here to say that I support the amendment that has been offered today. I do not support the spending of money for the development of a designer nuclear weapon, bunker busters, whatever it might be called. It seems to me that is moving in exactly the wrong direction.

Since I think the most likely threat is a stolen nuclear weapon put in the trunk of a rusty car at an American dock or an American city, I would hope that we would begin to spend as much time and resources dealing with the most likely threats as we do dealing with the most unlikely threat, and that is the spending of billions and billions of dollars to create an electronic catcher's mitt, an antiballistic missile system, in the belief that a rogue nation or a terrorist would acquire an ICBM and then arm it with a nuclear warhead.

Could that conceivably happen? Perhaps, but it is the least likely threat we face from terrorists. The most likely threat is the theft of a nuclear weapon and the placement of that in the trunk of a car or in a container on a ship, and I hope we will spend as much time worrying about that and dealing with that as we do the other.

Again, that is sort of a long way of saying I support the amendment that has been offered to strip the funding for the robust nuclear earth penetrator bunker buster.

AMENDMENT NO. 1426

I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1426.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate on the declassification and release to the public of certain portions of the Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001, and to urge the President to release information regarding sources of foreign support for the hijackers involved in the terrorist attacks of September 11, 2001)

At the end of subtitle G of title X, add the following:

**SEC. 1073. SENSE OF SENATE ON DECLASSIFICATION OF PORTIONS OF THE JOINT INQUIRY INTO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Administration has prevented the release to the American public of 28 pages of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001.

(2) The contents of the redacted pages discuss sources of foreign support for some of the hijackers involved in the September 11, 2001, terrorist attacks while they were in the United States.

(3) The Administration's decision to classify this information prevents the American people from having access to information about the involvement of certain foreign governments in the September 11, 2001, terrorist attacks.

(4) The Kingdom of Saudi Arabia has requested that the President release the 28 pages.

(5) The Senate respects the need to keep information regarding intelligence sources and methods classified, but the Senate also recognizes that such purposes can be accomplished through careful selective redaction of specific words and passages, rather than effacing content entirely.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President should declassify the 28-page section of the Joint Inquiry into The Terrorist Attacks of September 11, 2001, that deals with foreign sources of support for the hijackers involved in the September 11, 2001, terrorist attacks; and

(2) only those portions of the report that would directly compromise ongoing investigations or reveal intelligence sources and methods should remain classified.

Mr. DORGAN. This amendment that I have offered is a sense-of-the-Senate amendment and it deals with this booklet. It is, as published, December 2002, "A Joint Inquiry Into the Intelligence Community Activities Before and After The Terrorist Attacks of September 11, 2001," a report of the U.S. Senate Select Committee on Intelligence and the U.S. House Permanent Select Committee on Intelligence, dated December 2, 2002.

It was the first evaluation of intelligence related to the attack against this country on September 11, 2001.

On page 395, and I will read a portion of it, it begins a discussion about something that is very sensitive and then it turns to 396 and subsequent pages. As we can see, those pages are blank. There are 28 pages in the middle of this book that are blank. They are blank because they are classified at the moment as top secret. Members of Congress can, under certain conditions, go and read this top secret material. I and a good number of my colleagues have. Previously, I and other colleagues have as well brought to the attention of the Senate the need for this information to be declassified.

The amendment that I offer is very simple. It says that the President should declassify the 28-page section of the joint inquiry into the terrorist attacks of September 11 that deals with foreign sources of support for the hijackers involved in the September 11, 2001, attack.

The American people have been prevented from seeing this. I will, in a moment, quote from Senator SHELBY and Senator GRAHAM, then-chairman and vice chairman of the Intelligence Com-

mittee in the Senate, both of whom felt that this information should be made available to the American people. But it has never been made available to the American people.

Let me read the page prior to the 28 pages that have been redacted. Page 395:

Finding: Through its investigation, the Joint Inquiry developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States.

Fifteen of the nineteen hijackers were citizens of Saudi Arabia. The finding says they developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States. The joint inquiry's review confirmed that the intelligence community also has information, much of which has yet to be independently verified, concerning these potential sources of support.

Instead, the Joint Inquiry referred a detailed compilation of information it had uncovered in documents and interviews to the FBI and CIA for further investigation by the Intelligence Community and, if appropriate, law enforcement agencies.

It talks then at the end of this page about the joint inquiry, which states:

It was not the task of this Joint Inquiry to conduct the kind of extensive investigation that would be required to determine the true significance of such alleged support to the hijackers. On the one hand, it is possible that these kinds of connections could suggest, as indicated in a CIA memorandum, "incontrovertible evidence that there is support for these terrorists," blank, blank, blank.

At that point, it is redacted.

This was classified at the White House. These documents went to the White House, then to be published publicly, and prior to publication 28 pages were classified top secret. That is why in the middle of this booklet we see 28 pages with no information.

There was a call to declassify it because a substantial amount of information in the press and elsewhere raised questions about this issue.

I will read from The Washington Post at this point in time, December 12, 2002:

Leaders of the congressional panel ending an investigation of the September 11, 2001, terrorism attacks yesterday accused the administration of refusing to declassify information about possible Saudi Arabian financial links to U.S.-based terrorists because the material would be embarrassing and would heighten political tensions with the desert kingdom.

Continuing from The Washington Post:

In releasing the panel's final report on the intelligence agencies' performance before the attacks, Sen. Bob Graham (D-Fla.), chairman of the Senate intelligence committee, and Sen. Richard C. Shelby (R-Ala.), the vice chairman, said the information on Saudi Arabia should be made public to inform the public about a continued source of support for anti-American terrorism groups. Doing so also would put more pressure on the U.S. government to force the Saudis to sever their financial links to charities and individuals who support terrorism, they said.

In other comments, Senator SHELBY said that he believed 90 to 95 percent of this should be made available to the American people and would not compromise any intelligence sources.

The President was asked about this issue. He was asked actually in a Rose Garden appearance back at that point before a meeting with King Saud, where the President said he had no qualms at all about rebuffing the request to release this information publicly because he said there is an ongoing investigation into the 9/11 attacks, and we do not want to compromise the investigation.

Well, even the Ambassador from Saudi Arabia to the United States called for the release of this information because there was substantial speculation about what it said. I cannot say what it said on the Senate floor because it is top secret. I can read what Senator SHELBY has said and what Senator GRAHAM said on the Senate floor. I can show that in this report there are 28 pages which the American people are not allowed to see. I can say that there are published reports—and I have read them into the record now from The Washington Post and others and I will read into the record, if it is necessary, the comments from my two colleagues who were the chairman and ranking member of the Intelligence Committee, that references Saudi Arabia. The point is even the Government of Saudi Arabia suggested and said publicly that this material should be declassified and made public.

Senator SHELBY, the vice chairman of the congressional inquiry at that point, reiterated his view that 90 to 95 percent of the classified pages could be released without jeopardizing national security.

My point is this. I have reviewed the top secret material. I am sure many of my colleagues have. They all should. It contains information that the American people have a right to see.

Let me again read the lead to the 28 redacted pages. Again, I am reading from the Joint Intelligence Committee Report:

Through its investigation, the joint inquiry developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States.

Every Member of the Senate should read that top secret material. But every American citizen should have access, to understand what it says, because it should not be classified. It is unfair. It is unfair to the American people, and I submit it is unfair to Saudi Arabia. The Saudi Arabian Government has said it ought to be unclassified.

I have on a previous occasion offered this amendment to the Senate. There was an objection, so I offer the same amendment again today. It is now 4 years from the date of that attack. It is now long past the time when investigation is ongoing. The President said he would not declassify this because

there is an ongoing investigation into 9/11, and we don't want to compromise it. That investigation by the 9/11 Commission, authorized by the Congress—that investigation is over. So this excuse is no longer an excuse.

I submit the American people have a right to know if there were those who provided support to the 9/11 terrorists who were in this country and preparing to launch the attack on 9/11. If there were those foreign governments, foreign interests, or as the report indicated simply, “foreign sources of support,” then the American people have a right to know.

My amendment is a very simple amendment, painfully simple. Once again, I offer it to say it is the sense of the Senate that this information shall be declassified. We ask the President to declassify this information and see that it is made available to the American people.

I was intending to read this. I think I shall not—perhaps just a paragraph or two of it.

My colleague, Senator GRAHAM from Florida, who in fact stood at this desk and made this statement, he was then chairman of the Intelligence Committee. Senator SHELBY, who I described as chairman, was chairman at one point, and then Senator GRAHAM as the ranking member, and then it switched and Senator GRAHAM was chairman. During this particular time, Senator GRAHAM, as chairman, and Senator SHELBY, as vice chairman, both agreed that the bulk of this ought to be made available to the American people. Let me just quote the statement made on the floor of the Senate by our colleague, Senator GRAHAM, the chairman of the Intelligence Committee. He is describing this.

This report makes a very compelling case, based on the information submitted by the agencies themselves, that there was a foreign government which was complicitous in the actions leading up to September 11, at least as it relates to some of the terrorists who were present in the United States.

There are two big questions yet to be answered. Why would this government have provided the level of assistance—financial, logistical, housing, support service—to some of the terrorists and not to all of the terrorists? We asked that question. There has been no response.

My own hypothesis—and I will describe it as that—

I am continuing to quote Senator GRAHAM—

is that in fact similar assistance was being provided to all or at least most of the terrorists. The difference is that we happened, because of a set of circumstances which are contained in these 28 censored pages, to have an unusual window on a few of the terrorists. We did not have a similar window on others. Therefore, it will take more effort to determine if they were, in fact, receiving that assistance.

I continue to quote Senator GRAHAM of Florida.

An even more serious question is what would lead us to believe that if there was this infrastructure of a foreign government supporting some of the 19 terrorists, that as

soon as September 11 concluded, as soon as the last flames were put out at the Pentagon, the World Trade Center and on the field in Pennsylvania, all that infrastructure was immediately taken down? Again, this is my hypothesis: I don't believe it was taken down. I believe that infrastructure is likely to still be in place assisting the next generation of terrorists who are in the United States.

Those are very fundamental questions, and if the public had access to these 28 pages, they would be demanding answers.

That is a response from the chairman of the Senate Intelligence Committee, not some partisan, with sentiments echoed largely by the vice chairman of the committee, about the top secret classification of those 28 pages.

My amendment, once again, simply says I believe the American people have the right to know what is on these pages. These 28 pages are blank. I know what is there. Some of my colleagues know what is there because we are able to see top secret material. The American people don't know what is there, and they should.

Having read it, I simply say they ought to have the right to see it as well, and my amendment is a sense-of-the-Senate amendment that would ask the President to make available, to declassify this material, so there are no longer questions about what it says.

Mr. WARNER. Mr. President, I thank my distinguished colleague, and I assure him, in consultation with the chairman and indeed the ranking member of the Senate Intelligence Committee, his amendment will be given every careful consideration.

Mr. President, at this time I know there is another Senator.

Mr. DORGAN. Mr. President, I am not finished. I thought you were asking me to yield for a question.

Mr. WARNER. Yes, I wasn't quite certain. I thought there was a brief time in which you were going to address the Senate. I am trying to accommodate one of your colleagues.

Mr. DORGAN. I have one additional amendment.

Mr. WARNER. Can the Senator advise the Chair and the Senate the time you would require?

Mr. DORGAN. I indicated to my colleague I would be speaking about 20 minutes, but I have one additional amendment that probably will take about 10 minutes.

Mr. WARNER. Very well, Mr. President. We will all wait that period of time. Thank you.

Mr. LEVIN. Mr. President, I ask unanimous consent that following the Senator from North Dakota, if it is not already locked in, then the Senator from Colorado be recognized to introduce three amendments which will take a total of—about how long?

Mr. SALAZAR. Mr. President, approximately 15 minutes.

Mr. LEVIN. Approximately 15 minutes.

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

Mr. DORGAN. Mr. President, my understanding was we had ample time this afternoon. I will truncate my remarks. I had intended to speak longer than 10 minutes, but I don't want to disadvantage my colleague on the floor or disadvantage those managing the bill. I will come back on Monday and speak at greater length about the amendment I will offer now and keep my comments short at this moment.

Mr. WARNER. I would very much appreciate it if the Senator will accommodate the Senate in that way.

Mr. DORGAN. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

#### AMENDMENT NO. 1429

(Purpose: To establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism)

Mr. DORGAN. Mr. President, I offer an amendment for myself, Senator DURBIN, and Senator LAUTENBERG. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. DURBIN, and Mr. LAUTENBERG, proposes an amendment numbered 1429.

Mr. DORGAN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(The amendment is printed in today's RECORD under “Text of Amendments.”)

Mr. DORGAN. Mr. President, this is an amendment that deals with a subject I have previously brought to the floor of the Senate, so far unsuccessfully, but my hope is this time perhaps I will have better luck. It deals with the question of dramatic waste, fraud, and abuse in contracting, particularly with respect to the war effort in Iraq.

In the early 1940s, 1941 to be exact, Harry Truman, a Democrat from the State of Missouri, serving here in the Senate when a Democratic President was in the White House, decided that he wanted to have an investigation of what he considered substantial waste, fraud, and abuse in Pentagon spending and spending by contractors. I am sure it was uncomfortable for a Democrat in the White House to have a member of his own party in the Senate pushing, but he did. He kept pushing as only Harry Truman could, and created finally a Truman committee, a special committee. They held hearings all around the country. They were relentless. They found massive amounts of waste, fraud, and abuse in spending—yes, even during the war effort. It was, perhaps, uncomfortable for everybody that this was going on, that this kind of inquiry existed. But Harry Truman was not about to take a “no” answer

from anybody, so he pushed and pushed.

Finally, it came on the radar screen in the Senate that when you spend money, particularly when you are at war, you can't have people profiteering. It has to be spent effectively in support of this country's interests in support of our troops.

We have a war in Iraq. We have soldiers in harm's way in Afghanistan. We are moving massive quantities of money out the door in the Congress—\$81 billion here, \$45 billion there, \$55 billion there. It is, in many cases, going to contractors—some substantial amounts to replenish Defense Department accounts, but a substantial amount to contractors.

We hear substantial waste, fraud, and abuse. It almost makes you sick. This is a picture of \$2 million wrapped in Saran wrap. In fact, the guy standing right here said they were playing football, playing catch with bundles of hundred-dollar bills. What were they doing with this? They were actually giving money to contractors in Iraq. Contractors were told: Bring a bag, we pay in cash. Bring a bag because we pay in cash over here.

This picture shows what was going on. The guy who did this testified before a committee at a hearing that I held. I don't need to go through a lot of charts, but "Uncle Sam Looks Into Meal Bills, Halliburton Refunds \$27 Million."

We had one example: Halliburton corporation charging the American taxpayer. They were feeding 42,000 a day—at least that is what they were charging for, 42,000 meals a day. Guess what. They were only serving 14,000 meals a day.

I came from a small town that had a really small restaurant. I can understand them missing a cheeseburger or two, but a corporation that overcharges the Federal Government for feeding soldiers by 28,000 meals a day?

Then we had another hearing. We had one of the food service supervisors in Iraq who works for a subsidiary of Halliburton. He said we were feeding food that was outdated and expired, expired stamps on it by as much as a year.

I see the Washington Times had a little blurb today. They mentioned that. People were writing in and saying: That is nothing, we used to eat old K rations. Does anybody believe it is right that when we send our soldiers to Iraq and we have food hauled over by a contractor and we pay for good food to be fed to our troops, and then they end up with food that is expired for a year, they say that is OK, serve it to the troops; and if a convoy comes through and is subject to attack the supervisor says, you grab that food out, pull the shells out and shrapnel out, and feed it to the troops. I put that testimony in the RECORD.

Let me tell you, a top civilian official at the Corps of Engineers, involved in awarding sole-source contracts to companies like Halliburton—and there

are more involved—the top civilian official is a wonderful woman with a wonderful record who has worked for years for this country. Here is what she said. And by the way, she is paying for it with her career because whistleblowing is not looked upon with favor by the old boys network. Here is what she said, Bunny Greenhouse:

I can unequivocally state that the abuse related to the contracts awarded to K.B.R. Halliburton represents the most blatant and improper contract abuse I have witnessed during the course of my professional career. She is paying for this bit of honesty with her career because the good old boys don't like to hear that.

The question is, for all the things that are being done—payment to have a room air conditioned, have the contractor come pick up a bag of cash, and it goes to a subcontractor—pretty soon the American taxpayers' payment to have room air conditioning, turns out the room has a little fan in it and we paid for air conditioners.

It is unbelievable what is going on. There are 85,000 brand new trucks left on the roadside because they had a flat tire, to be trashed and torched. Plugged fuel pumps? Dump the truck.

It is unbelievable what is going on in waste, fraud, and abuse. I have held five hearings in the policy committee on this. We had whistleblowers who have the courage to show up and talk about what is going on. There are 50,000 tons of nails laying in the sands of Saudi Arabia because they ordered the wrong size, so they dump them on the sands. The American taxpayer will pay for that. Need some towels for troops? The Halliburton subsidiary orders towels for troops and they nearly doubled the cost of the towels so they could put their logo on the towels.

Yes, it is going on all the time. It is unbelievable. And nobody does a thing about it. Nothing. Do you think this Congress is holding aggressive oversight hearing? None. Nobody is interested. Why? Because it would embarrass somebody. Meanwhile the American taxpayer is taking a bath and the troops are being poorly served, in my judgment, with this sort of nonsense.

My amendment is simple. I will speak at some length on Monday. I want to truncate this for the sake of the time problems my colleagues have. My amendment is very simple. My amendment calls for the establishment of a Truman-type committee again that would do the oversight that is not being done by this Congress. It will be bipartisan. It seems to me we have an obligation to the American people and we have an obligation to our troops. I offer the amendment and I will come back and speak later.

In the interest of time problems, I yield the floor.

Mr. WARNER. Mr. President, I thank our colleague. The Senator brings to the Senate a very serious proposal. It will be given serious consideration.

At this time, the Senator from Colorado desires to be recognized.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WARNER. Before the distinguished Senator addresses the Senate, I see our distinguished colleague from Connecticut. If I could inquire as to the Senator's wishes. We are trying to arrange a schedule.

Mr. LIEBERMAN. Mr. President, I thank my friend from Virginia. Five minutes is the maximum I require.

Mr. DORGAN. If I might I make one comment, I defamed my friend, the Presiding Officer. I suggested some while ago he was from Ohio. He, in fact, is from Indiana. I have known that all along, and those in the Northern Great Plains see everything out there as east. But my distinguished colleague Senator LUGAR, to whom I refer, is from Indiana. I talked about Nunn-Lugar and the wonderful work done. I want to make sure I identify it correctly.

Mr. LEVIN. We, the defamed people from Michigan, are really from Ohio.

Mr. WARNER. If I might ask that the Senator from Connecticut be recognized following the remarks by the Senator from Ohio—the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. It is, indeed, fortunate to be a Senator from the State of Colorado.

I start my comments by giving my appreciation to the Senator from Virginia, Senator WARNER, and to the Senator from Michigan, Senator LEVIN, for their great leadership in putting together what is a very good bill.

I also thank their staffs because at the end of the day I know how much of the work goes into these major pieces of legislation put together by our great staffs. Judy Ainslee and Rick DeBobs have done a fantastic job on behalf of the United States, on behalf of the Senate. I thank them for their efforts.

AMENDMENTS NOS. 1421, 1422, AND 1423, EN BLOC

I ask that the pending amendment be set aside.

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

Mr. SALAZAR. Mr. President, I have a series of amendments at the desk, Nos. 1421, 1422, and 1423. I ask they be called up en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes amendments numbered 1421, 1422, and 1423, en bloc.

Mr. SALAZAR. I ask unanimous consent the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1421

(Purpose: To rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation)

At the end of subtitle D of title VI, add the following:

**SEC. 642. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.**

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking “have a death gratuity paid” and inserting “have fallen hero compensation paid”.

(2) In section 1476(a)—

(A) in paragraph (1), by striking “a death gratuity” and inserting “fallen hero compensation”; and

(B) in paragraph (2), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(3) In section 1477(a), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(4) In section 1478(a), by striking “The death gratuity” and inserting “The amount of fallen hero compensation”.

(5) In section 1479 (1), by striking “the death gratuity” and inserting “fallen hero compensation”.

(6) In section 1489—

(A) in subsection (a), by striking “a gratuity” in the matter preceding paragraph (1) and inserting “fallen hero compensation”; and

(B) in subsection (b) (2), by inserting “or other assistance” after “lesser death gratuity”.

(b) CLERICAL AMENDMENTS.—

(1) Such subchapter is further amended by striking “Death gratuity:” each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting “Fallen hero compensation:”.

(2) The table of sections at the beginning of such subchapter is amended by striking “Death gratuity:” in the items relating to sections 1474 through 1480 and 1489 and inserting “Fallen hero compensation:”.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

AMENDMENT NO. 1422

(Purpose: To provide that certain local educational agencies shall be eligible to receive a fiscal year 2005 payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965)

At the end of subtitle G of title V, insert the following:

**SEC. 585. APPLICATIONS FOR IMPACT AID PAYMENT.**

Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2), (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act for fiscal year 2005 from a local educational agency that—

(1) for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year; and

(2) submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

AMENDMENT NO. 1423

(Purpose: To provide for Department of Defense support of certain Paralympic sporting events)

At the end of subtitle C of title III, add the following:

**SEC. 330. PROVISION OF DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.**

Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

“(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

“(5) A national or international Paralympic sporting event (other than one covered by paragraph (3) or (4)) which is—

“(A) held in the United States or any of its territories or commonwealths;

“(B) governed by the International Paralympic Committee; and

“(C) sanctioned by the United States Olympic Committee.”; and

(2) in subsection (d)—

(A) by inserting “(1)” before “The Secretary”; and

(B) by adding at the end the following new paragraph:

“(2) Not more than \$1,000,000 may be expended in any fiscal year to provide support for events specified under paragraph (5) of subsection (c).”.

Mr. SALAZAR. Mr. President, before discussing these amendments, I underscore the great importance of this legislation. This legislation sends an important message to our troops and to their families, to the important work it funds, and the important signal it sends to the world from the United States of America.

Today, more than 15,000 people from my State are serving overseas in support of Operations Iraqi Freedom and Enduring Freedom in Afghanistan. Many of these soldiers, air men and women, reservists, and National Guard men and women are preparing for their second tour of duty away from their families.

The 4,000 soldiers of the 3rd Armored Cavalry Regiment are in Iraq for their second tour of duty, and 1,800 soldiers from the 43rd Area Support Group and 130 from the 571st Medical Company are also overseas, while the 947th Engineering Company and the second of the 135th Aviation Battalion are preparing to leave for Iraq in the fall.

I give a sincere welcome home to all 3,762 soldiers from the 2nd Brigade Combat Team, 2nd Infantry, who are returning to their families in Colorado Springs as I stand in the Senate today.

The most moving thing I have done since coming to the Senate some 6 months ago was a bipartisan trip which I took to Iraq led by Senator HARRY REID from Nevada. On that trip I saw many moving things, though nothing more impressive than our troops and their dedication to the mission and to their units.

Shortly after returning to the United States from Iraq, I dropped a line to Lieutenant Colonel “Mac” from Colorado whom I had met on the trip. I inquired how he was doing, and in responding he wrote:

Our troops’ spirits remain high. Some more than others, as I’ve worked and received permission to allow about 40 of our troops to redeploy early, as the pace of our support has decreased and will remain steady but not too hectic over the next six months of our deployment. Having worked the plan

from start to final approval, I am personally happy knowing that they will be able to spend more quality time with their loved ones. I know my place is here, and will remain until we all leave in early Autumn.

That one response from one lieutenant colonel underscored our troops’ dedication to the cause we are engaged in. This young man with his own family back in Colorado Springs was celebrating that members of his unit—not he—were returning home to their families. Thousands of troops are making that same selfless sacrifice every day. We owe each of them the best possible equipment and training. They and their families also should expect that we will ensure their quality of life.

The \$441 billion bill in the amendments we have adopted in the last day will begin to do just that. That bill authorizes a total of \$109 billion in appropriations to the Department of Defense for military personnel, and \$236 million of that amount is more than the President’s budget requested.

In my State of Colorado, where more than 9,000 troops are currently deployed overseas, I am especially mindful of the important quality-of-life investments that have been included in this bill.

The bill would provide a 3.1-percent across-the-board pay raise for military personnel. That is important to honor our men and women in uniform. It authorizes the payment of imminent danger pay to servicemembers hospitalized as a result of wounds they have incurred as a result of hostile action for the duration of their hospitalization. That is a move in the right direction. It would permanently increase the fallen hero compensation for servicemembers killed in combat or combat-related activities from \$12,000 to \$100,000. With the inclusion of Senator LEVIN’s important amendment, it will ensure that the family of any active-duty soldier who was killed will qualify for this important assistance.

The legislation also permanently increases the maximum amount of coverage for group life insurance from \$250,000 to \$400,000. That is the right start. I am hopeful with the inclusion of Senator NELSON’s amendment we will eliminate the survivor benefit plan dependency indemnity compensation offset and fix serious inequities in how the military treats the survivors of military retirees.

The bill also extends several bonuses relating to recruiting and retention, including the selected reserve reenlistment bonus, the ready reserve enlistment and reenlistment bonuses, the prior service enlistment bonus, the enlistment and reenlistment bonuses for active-duty members, and the retention bonus for servicemembers with critical military skills.

I will cosponsor an amendment with my friends Senators LIEBERMAN, CLINTON, and NELSON, to increase the size of our Active-Duty Army by 80,000 troops. Increasing the size of our military will reduce the strain placed on individual



soldiers, improving the quality of their lives and their families' lives. It will allow our fighting men and women to spend more time at home with their families between deployments. It will address what is today an overstretched American Army. Most importantly, adding 80,000 troops will help to defend our Nation at home and abroad with the strongest military in the world.

Our health care for our troops and their families also is addressed. This bill would extend health care coverage under TRICARE Prime for the children of active-duty servicemembers who died while on active duty and who have been on active duty for a period of more than 30 days, so the dependent child would be able to receive TRICARE until age 21.

After the inclusion on Thursday of the excellent bipartisan amendment offered by Senators GRAHAM and CLINTON, it will ensure access to TRICARE for Guard and Reserve and that care will continue.

This bill also requires the Secretary of Defense to report to Congress about the adverse health effects that may be associated with the use of antimalaria drugs.

This is a good bill. The bill is vitally important for the work it also funds. It funds \$78.2 billion for procurement. It authorizes \$127 billion for operations and maintenance. It does a lot to support our investment in creating a strong defense for our Nation.

I am particularly pleased the committee included \$6.4 million to construct a Space Warning Squadron Support Facility at the Greeley Air National Guard Station. Our air guard provides a vital service at that station, but the current facility is substandard by anyone's measure. When personnel leave that facility, they drape plastic over their computers today so they are not destroyed by the water that leaks through the roof.

I am also pleased with the inclusion of the amendment offered by my colleagues from Kentucky, Senators MCCONNELL and BUNNING, and my good friend from Colorado, Senator ALLARD, that we are prepared to take another positive step forward in meeting our responsibility to destroy the chemical weapons at the Pueblo Chemical Army Depot. I am also hopeful with the efforts of my good friend Senator ALLARD and efforts I have undertaken with him, we will be able to wrap up the cleanup of Rocky Flats in a successful manner.

This bill is important because it sends a message to the world. There is no more comprehensive statement of our dedication to defend this country and to maintain our position in the world. Our enemies should never take comfort in any sense that America is disengaging from the world. This bill sends a very clear message on two vitally important threats.

On Wednesday, a group of leading defense and foreign policy experts, led by former Defense Secretary Perry, concluded:

... the gravest threat facing America today is a terrorist detonating a nuclear bomb in one of our cities. The National Security Advisory Group judges that the Bush Administration is taking insufficient actions to counter this threat.

We must do better. Knowing that such a horrendous act is even possible, we must take every step possible now to ensure it does not come about.

This bill authorizes \$415 million for DOD's Cooperative Threat Reduction Program, taking an important first step in locking down, perhaps, the most ready source of nuclear materials for terrorists.

With the inclusion of the Lugar amendment, of which I was proud to be a cosponsor, I hope we will begin to cut through the red tape that has hindered our efforts at locking down this threat for far too long. I commend my colleague from Indiana for his leadership over the decades on this effort.

Authorizing a total of \$50 billion in supplemental appropriations for this next fiscal year for ongoing operations in Iraq and Afghanistan, and the global war on terror, the bill also tells the world we are not deterred by the hateful attacks on buses and trains in London or on cars in Baghdad.

We are prepared, once again, to fulfill our obligations to fund the effort in Iraq. I repeat my plea to the President that he frankly discuss his plan for success in Iraq with the American people while he candidly informs Americans about how we will pay for it.

I am also hopeful that as this bill moves forward to its final form, the amendments I have called up for consideration will also be included.

Amendment No. 1421 would simply change the name of the "death gratuity" to "fallen hero compensation." This amendment was approved by the Senate in the supplemental appropriations bill but was dropped in conference.

"Death gratuity" is the name for the assistance that taxpayers make available to military survivors. The term "gratuity" means gift. Not one of the widows, widowers, or children left behind think of that money as a gift. This is a simple change. There should be no opposition from Members of this body to include that name change. It more properly reflects the sacrifices military survivors have made and more properly expresses the gratitude and dignity we as a nation owe these families.

Amendment No. 1423, the Paralympic amendment, would allow the Pentagon's Office of Special Events to provide support to national and international Paralympic competitions hosted in the United States with a million-dollar limit on support in any one year. The Office of Special Events today supports the regular Olympics and other international sporting events. All this amendment does is to say we will treat our disabled athletes with the same support and respect.

The amendment would also allow support of a new USOC program that

has been developed to assist with the rehabilitation of disabled veterans returning from Iraq and Afghanistan. It is a simple amendment that addresses a very important issue, especially to the disabled veterans who are returning from Operation Iraqi Freedom and Operation Enduring Freedom.

Amendment No. 1422 is another amendment that improves upon this bill. It will restore badly needed educational impact aid funding to the El Paso School District, which educates the children of more than 60 percent of the military personnel serving our Nation at the Fort Carson military base in Colorado.

For the 2004-2005 fiscal year, the El Paso School District submitted its application for impact aid to the Department of Education on time, but due to inadvertence and, perhaps, bureaucratic misdirection and mistake, it was deemed to be untimely because they failed to submit the application in electronic format. As a result, the school district that serves mostly military families was assessed a 10-percent penalty. This amendment will deem the school district's application as timely. The money is already in the Department of Education's budget. Thus, this amendment does not take money away from another source or another State.

One may ask, What connection does this have to our service personnel? And why is it so critical to the support of our military personnel?

First of all, 60 percent of the 5,500 El Paso School District students belong to military families stationed at Fort Carson, and they will be impacted by the cut in the amount of money available for their education.

Many of the loved ones of the students and staff of the El Paso School District have been deployed to Iraq as part of Operation Iraqi Freedom. In fact, over 11,000 soldiers from Fort Carson are currently deployed in Iraq today. That is over one-half of the fort's total forces. Many units from Fort Carson are now starting their second and third tours of duty in Iraq. Sadly, over 50 service personnel from Fort Carson have died in active duty in Iraq over the last several years.

Without the funds we are requesting, the school district will be forced to lay off teachers and cut educational programs that educate the families of service personnel. Our military personnel sacrifice a great deal for our freedom. We owe it to them to restore the educational funding for their children.

In closing, I am reminded once again of the thousands of Macs—just like the valiant lieutenant colonel I met in Kuwait—who are standing guard each and every day to protect our Nation. I am mindful of their families—in my own State, in Colorado Springs, in Denver,

in Grand Junction; in small, rural communities, and in every State and community throughout our Nation—awaiting their return or dreading their departure. We owe them, as the Senate, our best work.

This bill is very good work. As I started my comments today, I commended the leadership of my friends from Michigan and Virginia and their staffs for their great work. I hope our Democrats and Republicans will join together, as we move forward, to bring this legislation to successful conclusion because it is important for a strong defense for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to assure our distinguished colleague from Colorado that we will give very careful consideration to his amendments.

Have they been sent to the desk, I ask the Presiding Officer?

The PRESIDING OFFICER. Yes.

Mr. WARNER. Mr. President, I ask unanimous consent that they be set aside, such that the Senator from Connecticut is to be recognized.

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

Mr. LEVIN. Mr. President, if the Senator will yield, let me thank the Senator from Colorado for his extremely thoughtful and sensitive statement about what this bill is all about. I thank him for his kind remarks.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Let me first thank the chairman of the Senate Armed Services Committee, the distinguished Senator from Virginia, and the ranking member, the distinguished Senator from Michigan, for the extraordinary work they have done in bringing this bill forward. I am honored to be a member of the committee and proudly support its work.

AMENDMENT NO. 1389

Mr. President, I rise today to speak specifically about amendment No. 1389 offered by the Senator from South Dakota, Mr. THUNE. I am one of many cosponsors of this amendment. Its intention is to delay the implementation of the current round of base realignment and closures, the so-called BRAC, until we are better able to assess our defense needs.

The news from London in the last few days reminds us in the most stark and stunning ways of the fact that we are at war. It may not feel like that to most of us. It is a different kind of war. But there is an enemy out there worldwide who is committed to achieving some kind of victory over us and our allies and establishing a regime in a significant part of the world that would be fanatical, hateful, and, to say the least, undermine our national security and our national principles.

In the midst of such a war, it seems to me the reduction of our base struc-

ture has to be done with real care. The point of Senator THUNE's amendment, to delay this process, is this: One, we are in a war. As Senator SALAZAR said with great effect and poignancy, we have tens of thousands of American soldiers coming and going from Iraq, using bases in a way we may not have foreseen when this particular base realignment and closure process began.

We also are being asked and the Commission is being asked to make final judgments about some very important military installations in our country but before our final facts are before the Commission, the Congress, and the Pentagon. That is the intention of the Thune legislation, which, as I say, I am a cosponsor of—to put the brakes on, to say, let's not rush to judgment. Because in some cases of bases the Pentagon has recommended be closed, we may look back and say: This rush to judgment has really been a dash to disaster, that we have closed some military facilities we will urgently need in the years ahead.

Of course, I support cutting excess and unneeded defense spending and support saving money where we can. That is why I earlier voted for the BRAC round. But I think Senator THUNE and I, and so many others, when we saw the recommendations come out—now, in the middle of a war, based on information that is incomplete—we said to ourselves: Let's just step back a bit and get the facts we need before we make these final judgments.

Let me state it clearly. I have a local interest in this. The Pentagon has recommended, as all my colleagues know, the closing of Submarine Base New London, an extraordinary, in my opinion, national asset. But the point I want to make is if you close, God forbid, Submarine Base New London or some of these other bases that are recommended for closure, that is it. This is not like turning off the water in your house when you go away for a summer vacation, and when you come back and turn it back on, there is the water. If you close a base like Submarine Base New London, it is never going to be opened again. Therefore, you have to be able to reach a conclusion that not only is it not of military value today and in the near future, but it never will be; that is, in decades ahead, in an uncertain world. In this case of this submarine base—and I fear in some of the others—the facts that were used as a basis for the judgment do not stand up.

Too often, monetary savings have been confused with military value, and military value has been based on judgments that are incomplete. And here I come to one of our larger points: The Pentagon is now in the midst of its Quadrennial Defense Review, the most significant overarching review of America's military needs and goals for the future. That review is due next year. But we are being asked through BRAC and eventually in Congress to make final judgments on these bases

before the final information is in, in the midst of a war.

I can tell you about Submarine Base New London, which I know best. The recommendation to close seems to be based on an estimate of the size of our submarine force, our attack submarine force, in the years ahead, which is the lowest anyone has ever seen and lower than every other study that has been done. I suppose if the base is closed, it will prejudice the fact. But I fear we will look back and say in the years ahead, as we face rising pure competitors: Why did we ever do that? I have enough confidence in this particular Base Realignment and Closure Commission and the independence and strength with which they are going at their responsibilities, at every turn making it clear they are not just going to be a rubberstamp for the Pentagon, that they are not going to allow Submarine Base New London to be closed. But I worry there are bases across this Nation that are recommended for closing on insubstantial, incomplete information that we will regret having closed. This amendment No. 1389 says: Let's just step back for a while. Let's wait until the Quadrennial Defense Review is in. Let's wait until we see the return of some more of our troops from Iraq so we know what our base needs are here at home. Let us not rush to judgment.

We are talking about our national security in a time of war, in an uncertain world, with rising new superpowers, but much more menacing than that: rogue states and nonstate actors gaining access to weapons of mass destruction. We have to get this right. I believe Senator THUNE's amendment would help us do that.

Mr. President, I will just say one final word about the news from London. I am sure the distinguished occupant of the chair, like myself, has been following these developments closely. They remind us that there is an insidious group out there, a fanatical group that will strike at civilians and try to strike panic in the hearts of average citizens to gain their political goals.

What has been as stirring as the attacks in London have been revolting has been the reaction of the British people. It really does remind us of their strength and determination during the Second World War. It is an inspiration. Most of all, I hope it will send a message to these terrorists that they may strike, but we are stronger than they are. Our principles are superior to theirs. They will never defeat us. I thank our friends from Britain, the average citizens, whose actions and words speak so loudly to us of their faith in the future, for giving us that model and that inspiration. We stand with them today as they have stood with us on so many previous days.

I thank the Chair and yield the floor.

AMENDMENTS NOS. 1343, 1430 THROUGH 1432, EN BLOC

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if my distinguished ranking member is prepared, we are about to send a series of amendments to the desk which have been cleared on both sides. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table. Finally, I ask that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. LEVIN. No objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 1343

(Purpose: To increase the limit on the value of assistance that may be provided to eligible entities to carry out procurement technical assistance programs operating on less than a Statewide basis)

On page 237, after line 17, add the following:

**SEC. 846. INCREASED LIMIT APPLICABLE TO ASSISTANCE PROVIDED UNDER CERTAIN PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.**

Section 2414(a)(2) of title 10, United States Code, is amended by striking "\$150,000" and inserting "\$300,000".

AMENDMENT NO. 1430

(Purpose: To clarify certain authorities relating to adoptions by members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

**SEC. 653. MODIFICATION OF REQUIREMENT FOR CERTAIN INTERMEDIARIES UNDER CERTAIN AUTHORITIES RELATING TO ADOPTIONS.**

(a) REIMBURSEMENT FOR ADOPTION EXPENSES.—Section 1052(g)(1) of title 10, United States Code, is amended by inserting "or other source authorized to place children for adoption under State or local law" after "qualified adoption agency".

(b) TREATMENT AS CHILDREN FOR MEDICAL AND DENTAL CARE PURPOSES.—Section 1072(6)(D)(i) of such title is amended by inserting 11, or by any other source authorized by State or local law to provide adoption placement," after "(recognized by the Secretary of Defense)".

AMENDMENT NO. 1431

(Purpose: To require a Comptroller General study on the features of successful personnel management systems of highly technical and scientific workforces)

At the end of title XI, add the following:

**SEC. 1106. COMPTROLLER GENERAL STUDY ON FEATURES OF SUCCESSFUL PERSONNEL MANAGEMENT SYSTEMS OF HIGHLY TECHNICAL AND SCIENTIFIC WORKFORCES.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify the features of successful personnel management systems of the highly technical and scientific workforces of the Department of Defense laboratories and similar scientific facilities and institutions.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An examination of the flexible personnel management authorities, whether under statute or regulations, currently being utilized at Department of Defense demonstration laboratories to assist in the management of the workforce of such laboratories.

(2) An identification of any flexible personnel management authorities, whether

under statute or regulations, available for use in the management of Department of Defense laboratories to assist in the management of the workforces of such laboratories that are not currently being utilized.

(3) An assessment of personnel management practices utilized by scientific and technical laboratories and institutions that are similar to the Department of Defense laboratories.

(4) A comparative analysis of the specific features identified by the Comptroller General in successful personnel management systems of highly technical and scientific workforces to attract and retain critical employees and to provide local management authority to Department of Defense laboratory officials.

(c) PURPOSES.—The purposes of the study shall include—

(1) the identification of the specific features of successful personnel management systems of highly technical and scientific workforces;

(2) an assessment of the potential effects of the utilization of such features by Department of Defense laboratories on the missions of such laboratories and on the mission of the Department of Defense as a whole; and

(3) recommendations as to the future utilization of such features in Department of Defense laboratories.

(d) LABORATORY PERSONNEL DEMONSTRATION AUTHORITIES.—The laboratory personnel demonstration authorities set forth in this subsection are as follows:

(1) The authorities in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-315)).

(2) The authorities in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note).

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by this section. The report shall include—

(1) a description of the study;

(2) an assessment of the effectiveness of the current utilization by the Department of Defense of the laboratory personnel demonstration authorities set forth in subsection (d); and

(3) such recommendations as the Comptroller General considers appropriate for the effective use of available personnel management authorities to ensure the successful personnel management of the highly technical and scientific workforce of the Department of Defense laboratories.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services, Appropriations, and Government Reform of the House of Representatives.

AMENDMENT NO. 1432

(Purpose: To extend the effective date of the Higher Education Relief Opportunities for Students Act of 2003)

At the end of subtitle E of title VI, add the following:

**SEC. 653. EXTENSION OF EFFECTIVE DATE.**

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070 note) is amended by striking "September 30, 2005" and inserting "September 30 2007".

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, subject to anything my distinguished colleague would want to do, I would like to have the Senate go into morning business.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we are ready to proceed on a number of amendments, but we are going to withhold those as an accommodation to, I gather, a lot of folks here who want to go out right now. We will then offer the amendment on the Berlin cafe which has not yet been cleared. We will hold that off until Monday. And remarks on RNEP I will withhold until Monday. The national missile defense we also will withhold until Monday, if that is the desire of the chairman.

Mr. WARNER. Mr. President, I thank my ranking member for his usual courtesy and our ability to work out matters to accommodate both sides of the aisle.

Mr. LEVIN. I wonder if I could inquire, while we are waiting, I will also withhold an amendment which is ready to go which I don't know if it has been cleared or not on the time and material contract abuses. I will withhold that until Monday. If we have a moment, if we could ask a parliamentary inquiry, how many amendments now have been laid aside and are pending for either vote by rollcall or voice vote or acceptance?

The PRESIDING OFFICER. Eighteen first-degree amendments and one second-degree amendment have been laid aside.

Mr. LEVIN. I thank the Chair.

Mr. WARNER. Mr. President, there is a matter that must come before the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Tuesday, July 26, when the Senate resumes the Defense authorization bill, and notwithstanding the provisions of rule XXII, there then be 20 minutes of debate divided between Senators COLLINS and LAUTENBERG; provided further that following the use or yielding back of the time, the Senate proceed to a vote in relation to the Collins amendment No. 1377, to be modified to be a first-degree amendment, to be followed by a vote in relation to the Lautenberg amendment; provided further that no second degrees be in order to the above amendments prior to the vote.

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

## CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1042, an original bill to authorize appropriations for fiscal year 2006 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 Forces, and for other purposes.

Bill Frist, John Warner, Michael Enzi, John Cornyn, Jon Kyl, Richard Burr, Kit Bond, Lindsey Graham, John E. Sununu, Chuck Grassley, Mike DeWine, Lamar Alexander, James Talent, Pat Roberts, Johnny Isakson, Conrad Burns, Richard G. Lugar.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the live quorum under rule XXII be waived.

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

Mr. McCONNELL. For the information of our colleagues, this vote will occur on Tuesday.

Mrs. FEINSTEIN. Mr. President, I am pleased to be able to join with my colleagues, Senator CHUCK GRASSLEY from Iowa, and Senators BOXER and HARKIN in support of an amendment to the FY06 National Defense Authorization Act that would transfer one of our Nation's greatest battleships, the USS *Iowa* to the State of California for permanent donation status.

I understand the affection that many Iowans have for this important ship and that a model of the USS *Iowa* can be viewed in the Rotunda of the Iowa State Capitol. Therefore, I truly appreciate the support of Senators GRASSLEY and HARKIN for helping to ensure that the USS *Iowa* will have a permanent home in California.

I was privileged to have the opportunity to introduce legislation in 1998 and 1999 to assist in transporting the USS *Iowa* from Newport, RI, to Suisun Bay in San Francisco, where it now sits as part of the Navy's Reserve Fleet. Through its transfer from reserve to donation status, any port community in California will have the opportunity to competitively bid for the battleship.

While I am sure a number of communities in California will be interested, I understand that the Port of Stockton has already begun making preparations and raising money to bid on this project.

Having the USS *Iowa* as a permanent floating museum in California will be an honor for my State and a tremendous memorial to the thousands of sailors who served aboard this battleship over the past 6 decades.

The USS *Iowa*, nicknamed the "big stick," was first launched in August

1942 and commissioned in February 1943 under the command of Capt. John L. McCrea. In August 1943 it was mobilized for the first time along the Atlantic coast to protect against the threat of German battleships believed to be operating in Norwegian waters.

In one of the more memorable moments of the battleship's history, the USS *Iowa* carried President Franklin D. Roosevelt to Casablanca on his way to the Teheran Conference in November 1943, and afterwards provided the President transportation back to the United States. The USS *Iowa* engaged in combat for the first time after it was deployed to the Pacific theater as the flagship of Battleship Division 7.

During the early months of 1943, as part of the battle for the Marshall Islands, the USS *Iowa* supported U.S. aircraft carrier strikes and helped support numerous air strikes near Micronesia and neighboring islands. It was next deployed to assist U.S. forces in combat in the South Pacific near New Guinea and joined the Marianas campaign in June 1943.

During the Battle of the Philippines, the *Iowa* ably drove back and neutralized a series of air raids attempted by the Japanese middle fleet. Throughout the winter of 1944, the USS *Iowa* continued to engage in action off the Philippine coast until it was directed to return to the U.S. for maintenance in January 1945.

From January 1945 through March 1945, the Battleship *Iowa* received a full overhaul in the Port of San Francisco before steaming off for Okinawa to take part in combat operations near Japan. Arriving in April, the *Iowa* supported U.S. air strikes against Japan and the surrounding islands until the Japanese surrender in August 1945.

The ship was honored to be one of the few American battleships to sail into Tokyo Bay with the occupation forces and take part in the surrender ceremonies. After returning to the West Coast following the war, the USS *Iowa* operated in reserve status until it was decommissioned for the first time in March 1949.

In August 1951, after hostilities broke out in Korea, the USS *Iowa* was re-commissioned and mobilized to that region. In March 1952, the battleship was deployed to the war zone as the flagship of VADM Robert Briscoe, the Commander of the 7th Fleet. For the next 7 months, the *Iowa* was fully engaged in support of the U.N. troops, bombarding strategic targets throughout North Korea.

Following the cessation of combat, the USS *Iowa* was sent to Norfolk, VA, to receive an overhaul in October 1952. For the next 5 years, the *Iowa* was engaged in training maneuvers in Northern Europe, including NATO exercises, and in the Mediterranean Sea. In 1958, it was decommissioned for the second time and made part of the Atlantic Reserve Fleet based at Philadelphia.

Despite being decommissioned twice, the USS *Iowa* was renovated and up-

graded in April 1984, and was re-commissioned for the third time as part of President Reagan's plan to expand the Navy to 600 ships. Throughout the 1980s, the battleship spent the majority of its deployment in the waters off the European coast while also taking tours of the Indian Ocean and Arabian Sea.

Despite surviving two wars and numerous combat engagements over its long history, the USS *Iowa* suffered its worst catastrophe in April 1989 when one of its 16-inch gun turrets blew up, causing the death of 47 sailors. The source of the explosion was never conclusively identified, in spite of a thorough investigation of the incident by the Navy. Even with its damaged turret, the *Iowa* went on to further assignments in the Atlantic and Mediterranean Sea until it was decommissioned for the final time at Norfolk, VA, on October 26, 1990.

In early 1998, I was contacted by city officials in San Francisco requesting help with bringing the USS *Iowa* out to the west coast. Together with Senator BOXER, we introduced legislation in October 1998, as part of the FY99 Defense Authorization Act, to provide for the transfer of the USS *Iowa* to San Francisco.

The next year I worked with colleagues in the California congressional delegation to secure \$3 million to pay for the transport of the battleship from Rhode Island to California. On April 20, 2001, the USS *Iowa* finally arrived in San Francisco and has been berthed at Suisun Bay since that time.

This amendment ensures that this amazing battleship, which earned nine battle stars for its World War II service and two battle stars in the Korean war, will be memorialized permanently as a floating museum in California.

Once again, I thank Senators GRASSLEY, BOXER, and HARKIN for their support on this important provision.

I ask unanimous consent that this statement be placed in the RECORD next to the relevant amendment.

# PROTECTION OF LAWFUL COMMERCE IN ARMS ACT—MOTION TO PROCEED

## CLOTURE MOTION

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 15, S. 397, which is the Protection of Lawful Commerce in Arms Act, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 15, S. 397: A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of