

summary of the posture review that had been ordered by Congress in late 2000 and of a special briefing the Defense Department has conducted on the document—without the secret list of countries.

At the time, no one really noticed. With the addition of the countries, The Los Angeles Times got noticed. Here's the council's highly critical but accurate summary view four weeks ago:

"Behind the administration's rhetorical mask of post-Cold War restraint lie expansive plans to revitalize U.S. nuclear forces and all the elements that support them, within a so-called "New Triad" of capabilities that combine nuclear and conventional offensive strikes with missile defenses and nuclear weapons infrastructure."

If the basic purpose of nuclear weapons since the end of World War II had been to prevent their use and proliferation, the deadly serious review by the Bush administration—with the force plans and massive spending as accompaniments—results in a doctrine that contemplates their use and appears indifferent to their proliferation.

Numbers tell a large chunk of the story. When the administration's intention unilaterally to abrogate the ABM treaty was made known, President Bush made much of a supposed intention to reduce its supply of deployed warheads from roughly 8,000 to below 4,000 in 2007 and eventually to between 1,700 and 2,200.

What the posture review actually reveals is a plan to cut "immediate force requirements" for "operationally deployed forces." What's going on here is more a change of terms than in posture, hidden by a new, gobbledegook accounting system that the council properly declared "worthy of Enron."

Behind the clearly visible nuclear inventory, the council found a "huge, hidden arsenal." It included, but no longer "counted," warheads on two Trident submarines being overhauled at all times, as well as 160 more now listed as "spare." It included nearly 5,000 intact warheads now in a status called "inactive reserve," not to mention a few thousand more bombs and cruise missile warheads as part of a new "responsive force." And on top of that there is to be a stockpile of weapons-grade plutonium and other components from which thousands more weapons could be assembled quickly. Extrapolating the information, the Defense Council estimated that the United States would have a total of 10,590 warheads at the end of 2006, compared with 10,656 this year.

And there's more. The administration's posture review also discloses plans to greatly expand the nuclear war infrastructure and to prepare for a resumption of testing, in part to make possible a new generation of warheads that could penetrate deep into the ground.

The rules of the nuclear road from the U.S. perspective have never included a flat-out promise never to be the first combatant to resort to nuclear war. During the Cold War, the United States was always prepared to go nuclear to stop a massive, conventional attack from the east in Europe, and before the Gulf War, Saddam Hussein got a stern message that all bets were off if he used chemical or biological weapons.

But this is different. This is a plan to use nukes in conventional war-fighting and to maintain a Cold War-sized arsenal by stealth and deception. It is disgraceful.

[From the New York Times, Mar. 12, 2002]

AMERICA AS NUCLEAR ROGUE

If another country were planning to develop a new nuclear weapon and contemplating pre-emptive strikes against a list of non-nuclear powers, Washington would

rightly label that nation a dangerous rogue state. Yet such is the course recommended to President Bush by a new Pentagon planning paper that became public last weekend. Mr. Bush needs to send that document back to its authors and ask for a new version less menacing to the security of future American generations.

The paper, the Nuclear Posture Review, proposes lowering the overall number of nuclear warheads, but widens the circumstances thought to justify a possible nuclear response and expands the list of countries considered potential nuclear targets. It envisions, for example, an American president threatening nuclear retaliation in case of "an Iraqi attack on Israel or its neighbors, or a North Korean attack on South Korea or a military confrontation over the status of Taiwan."

In a world where numerous countries are developing nuclear, biological and chemical weapons, it is quite right that America retain a credible nuclear deterrent. Where the Pentagon review goes very wrong is in lowering the threshold for using nuclear weapons and in undermining the effectiveness of the Nuclear Nonproliferation Treaty.

The treaty, long America's main tool for discouraging non-nuclear countries from developing nuclear weapons, is backed by promises that as long as signatories stay non-nuclear and avoid combat alongside a nuclear ally, they will not be attacked with nuclear weapons. If the Pentagon proposals become American policy, that promise would be withdrawn and countries could conclude that they have no motive to stay non-nuclear. In fact, they may well decide they need nuclear weapons to avoid nuclear attack.

The review also calls for the United States to develop a new nuclear warhead designed to blow up deep underground bunkers. Adding a new weapon to America's nuclear arsenal would normally require a resumption of nuclear testing, ending the voluntary moratorium on such tests that now helps restrain the nuclear weapons programs of countries like North Korea and Iran.

Since the dawn of the nuclear age, American military planners have had to factor these enormously destructive weapons into their calculations. Their behavior has been tempered by the belief, shared by most thoughtful Americans, that the weapons should be used only when the nation's most basic interest or national survival is at risk, and that the unrestrained use of nuclear weapons in war could end life on earth as we know it. Nuclear weapons are not just another part of the military arsenal. They are different, and lowering the threshold for their use is reckless folly.

[From the Boston Globe, Mar. 12, 2002]

A TWISTED POSTURE

The Bush administration's classified new Nuclear Posture Review, presented to Congress in early January and leaked this month to the Los Angeles Times, proposes new departures in the nation's military planning that are questionable at best and, at worst, truly dangerous and destabilizing.

The Nuclear Posture Review, signed by Secretary of Defense Donald Rumsfeld, amounts to a blueprint for undertaking what Joseph Cirincione, director of the Non-Proliferation Center at the Carnegie Endowment, calls "a major expansion of the role of nuclear weapons in US military policy." The new posture calls for new nuclear weapons, new missions and uses for those weapons, and a readiness to resume nuclear testing.

These are among the changes in US nuclear doctrine that make the leaked review dangerous. The hawkish proponents of these

changes were lobbying for minimukes and deep-penetrating bunker-busters well before the terrorist attacks of Sept. 11. They were also proposing resumed nuclear testing before that nightmarish atrocity. The reality, however, is that nothing in the Nuclear Posture Review would be likely to deter or counter the threat from terrorists sharing Osama bin Laden's demented notion of a holy war against America.

The review threatens to become destabilizing—and therefore to expand rather than reduce American security risks—because it recommends a lowering of the threshold for the use of nuclear weapons. Until now, America's nuclear arsenal was plainly meant only to deter other nuclear powers—principally the defunct Soviet Union—from using against the United States or from invading Western Europe.

Now those limits on the envisaged uses of nuclear weapons are to be abandoned. The new posture recommends that nuclear weapons "could be employed against targets able to withstand non-nuclear attack," in response to another country's use of chemical, biological, or nuclear weapons, and "in the event of surprising military developments."

If America, with its enormous technological and military advantages, says it is willing to resort to nuclear weapons under such vague conditions, what might nuclear states such as India and Pakistan be willing to do? And if the Pentagon conducts new tests of smaller, more usable nuclear warheads, why would India, Pakistan, and China not follow suit, ending the current suspension of nuclear tests and provoking a nuclear arms race?

The Pentagon's plan for enhancing "nuclear capability" and lowering the barrier against the use of nuclear weapons holds little hope of deterring new threats from terrorists or being able to eradicate Saddam Hussein's bioweapons, but it does increase the risk that nuclear weapons will be used in war. It should be revised to preserve the purely deterrent uses of nuclear weapons.

RECESS

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 3 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Reverend Dr. David F. Russell, National Chaplain, American Legion, Spotsylvania, Virginia, offered the following prayer:

Our dear most gracious Heavenly Father, in whom we put our trust, we humbly thank You for this avenue of prayer in which we may come on behalf of this legislative body of government. We ask that You grant wisdom for all those who gather in this assembly that they, in turn, always act in the best interest of this Nation and its people whom they represent.

Give them a desire, Sir, to seek Your divine guidance and direction in all their deliberations. Reach deep into their innermost emotion and intellect to bring them together in unity and act as one. Enable them to set aside personal desires to see Your divine will and way for this great Nation.

May they, and we, always be mindful, the future of our Nation, our lives, our very being rests in Thy eternal hands.

Bring them together in a spirit of humility and love for Thee and these United States of America.

We pray these petitions in Jesus' name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. Pence led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUPPORT BORN-ALIVE INFANTS PROTECTION ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is said that the Almighty sets before us blessings and curses, life and death, and that we are to choose life so that we and our children might live.

This week on this floor, in this Chamber, in this country, our Congress will have the opportunity to say "yes" to life by supporting the Born-Alive Infants Protection Act.

In this act, we essentially firmly state that a child that is extracted from the womb and is alive is a person under the law entitled to all of the due process protections of our Constitution. Many may believe that this legislation is unnecessarily divisive and not required. But according to testimony before the Subcommittee on the Constitution, two nurses testified, Mrs. Stanek and Mrs. Baker from the Christ Hospital in Illinois, that in their hospital there are abortion practices that include inducing labor and allowing a born-alive child simply to die.

It is important this week on this occasion that Congress and America choose life. Let us today support the Born-Alive Infants Protection Act and the transcendent value of human life that is encompassed therein.

SAVE SOCIAL SECURITY FIRST

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise this afternoon to lament the late great lockbox. You remember the lockbox. That was our promise not to spend Social Security trust funds on anything other than preserving the solvency of Social Security. Well, this administration's budget breaks into the lockbox. It obliterates the lockbox.

The Congressional Budget Office reports that the Republican budget spends \$179 billion from the Social Security trust fund on other programs. You will hear quickly that this is because of the war. That is not true. The deficit that is forcing us to break into the Social Security trust fund, 43 percent of it is due to tax cuts, tax cuts for the very wealthy, tax cuts for corporations like Enron who stand to gain \$254 million in tax breaks. I think that is wrong.

When we had a surplus a year ago and when we did not have a war, tax cuts made sense. But now today, facing a war, facing a deficit, we cannot afford these tax cuts. It breaks a promise that we made to the working families of America, and I believe it is just plain wrong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

BORN-ALIVE INFANTS PROTECTION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2175) to protect infants who are born alive.

The Clerk read as follows:

H.R. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Born-Alive Infants Protection Act of 2001".

SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

“§ 8. ‘Person’, ‘human being’, ‘child’, and ‘individual’ as including born-alive infant

“(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words ‘person’, ‘human being’,

‘child’, and ‘individual’, shall include every infant member of the species homo sapiens who is born alive at any stage of development.

“(b) As used in this section, the term ‘born alive’, with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

“(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being ‘born alive’ as defined in this section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

“8. ‘Person’, ‘human being’, ‘child’, and ‘individual’ as including born-alive infant.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2175, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this bill, the Born-Alive Infants Protection Act, is to protect all infants who are born alive by recognizing them as a person, human being, child or individual for purposes of Federal law. This recognition would take effect upon the live birth of an infant, regardless of whether or not his or her development is sufficient to permit long-term survival and regardless of whether or not he or she survived an abortion.

It has long been an accepted legal principle that infants who are born alive are persons and thus entitled to the protections of the law. Many States have statutes that explicitly enshrine this principle as a matter of State law and some Federal courts have recognized the principle in interpreting Federal criminal laws. However, recent changes in the legal and cultural landscape appear to have brought this well-settled principle into question.

In its July 2000 ruling in *Stenberg v. Carhart*, the United States Supreme Court struck down a Nebraska law banning partial-birth abortion. In doing