

issues are further protected by the commission which is in this bill, which says essentially that we have in place, or will have in place, a bioethical commission which will be able to evaluate science as it evolves and make a determination as to when science needs to have more leverage or needs to have more flexibility and then can come to the Congress and say what changes should occur in order to allow for that flexibility. So there is in place a commission which is not only scientifically based but is theologically based and which is politically based, in the sense that it represents, not politicians, but the community at large and which will have the capacity to review what is happening in the area of cloning technology so that we can stay ahead of the curve and be sure we are not limiting the scientific experience and expansion in this very critical area.

So this bill allows for cloning in the area of agriculture and it allows for cloning in the area of animal husbandry. It also allows for cloning for the production of organs. It allows for cloning in stem cell research technology. It allows for cloning in a whole variety of places. Where it does not allow cloning is in the production of a human being, and that is what we should be saying. As a matter of ethics, as a matter of policy, as a matter of a nation which must stand up and define its purposes and ideas, we should be saying humans shall not be cloned.

I yield my time.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I know there are others on the floor. The distinguished Senator from Texas and my friend and colleague from Massachusetts wished to speak on this issue. I would just like to wrap up very rapidly.

This whole issue was really galvanized with the cloning of the sheep Dolly. Let me reinforce the fact that it took 277 attempts before this cloning was successful. The impact of the cloning is not yet known.

The second point is that the science is such that huge disabilities, real problems can result from human cloning. It is unsafe.

And my third point is, the circumstances to not require us to rush. Chicago physicist Dr. Richard Seed propelled the debate into full force last month when he told the media that he intended to clone human beings. And he said that there were 10 clinics in the United States interested in offering cloning services and that he believed the demand would be for 200,000 cases per year. That's according to the American Medical News.

Since that time, as you know, the scientific community itself has exercised a self-imposed moratorium on human cloning. I know of no legitimate lab, hospital, or facility that will permit human cloning today. I also would like to add that the FDA has said that

they are asserting jurisdiction in this area and will not permit human cloning. So I respectfully submit to those who feel there is time pressure that forces us to proceed to the Senate today, that is not correct. There is time for us to take time to consider this issue, to hear the testimony, to go over the scientific terms, to really debate whether the Feinstein-Kennedy approach or the Bond-Frist approach or perhaps a third or fourth approach is the right way to go.

So I would like to end my comments today, Mr. President, by thanking you for your discretion and by appealing to the majority side of this body. You have an opportunity to do some good. But you also have an opportunity to do enormous harm that could cost tens of thousands of lives needlessly if we do not legislate carefully. So let's do it right.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might speak for 10 minutes as in morning business.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

THE HIGHWAY TRUST FUND

Mr. GRAMM. Mr. President, I wanted to talk today on the same subject Senator BYRD spoke on earlier and that Senator CHAFEE also spoke on earlier. Without getting into a debate with Senator CHAFEE, I want to respond to a couple of things he said.

I want to remind my colleagues that in the American system of Government, we have a series of dedicated revenues where we collect specific taxes and fees and we tell the American people that those taxes or those fees are dedicated to a specific purpose. When you go to a filling station, if you live in a State that has banned the little clip that holds the nozzle in the "on" position so you have to stand there while it's pumping gas into your car or your truck, I am sure that you have read the sign on the gasoline pump. It basically says, if you wanted to reduce it down to good news and bad news, that the bad news is that a third of the price that Americans are paying for gasoline is taxes. But the good news is every American is assured on every gasoline pump in America that those taxes are going to build highways. Virtually every American in this era of self-service has read that sign on the gasoline pump, the bad news and the good news.

The problem is, the good news is not true. The bad news is sure enough honest to God true. But the good news is not true. Today, on average, somewhere between 25 cents and 30 cents out of every dollar of gasoline taxes is not spent on roads. So that when we tell the American people that the gasoline tax is a user fee for roads, as is often

the case in Government, we are not totally leveling with the American people.

Senator BYRD and I would like to partially change that. I want to explain exactly what we are doing. As my colleagues will remember, in 1993, for the first time in American history, the President pushed through Congress a permanent gasoline tax, 4.3 cents per gallon, that was not dedicated to the highway trust fund, and every penny of it was spent by Government on a broad array of projects and programs, none of which had anything to do with highways. You will remember that I offered an amendment in the Finance Committee that was adopted by the Senate, ultimately adopted by the conference, voted on in the House and Senate, signed into law by the President, that took that 4.3-cent-a-gallon tax on gasoline away from the general revenue and put it in the highway trust fund, where it belongs.

We now are looking at a situation where, if we don't take action to allow a competition where those of us who believe that, relatively speaking, we are spending too much on many programs and not spending enough on highways, we are going to have a situation where the trust fund could rise to almost \$80 billion, where we have collected \$80 billion between now and the end of the highway bill that should be before the Senate today. We will have collected \$80 billion, telling people the money was going to highways, and, yet, every penny of it will have been spent on something else.

Senator BYRD and I have said that that is not honest. Senator BYRD and I have said that our amendment, basically, has to do in part with honesty in Government.

Our dear colleague from Rhode Island has said that this has something to do with the budget surplus, or at least has talked about surpluses in the trust fund and the budget in such a way that people might get confused between the two. So I want to make it very clear what the Byrd-Gramm amendment does and what it does not do. In fact, anybody who wants to read the amendment can understand exactly what it does, because it is a very simple amendment.

Basically, what the amendment says is this: We have put the 4.3 cent a gallon tax on gasoline into the trust fund. We had a surplus of \$23 billion that had already been collected to build roads but has been spent on something else. What Senator BYRD and I are saying, in essence, is, all right, we ought to get that money back. Fairness would dictate it goes to roads. It was collected for that purpose.

An analogy I have used is that it is like a rustler has come out and has been stealing your cattle and you catch him. Senator BYRD and I called the sheriff and the sheriff has come out and arrested this rustler. Being benevolent, we have said two remarkable things. No. 1, we are not going to hang you,

and, No. 2, we are not going to make you give any of the cattle back that you have already rustled. All we are saying is stop rustling our cattle. What you have already taken from the highway trust fund and spent on other things, go and sin no more.

Their response is, "Well, it's great to spend money on highways, but where"—going back to my rustling analogy—"where are we going to get our beef? If we can't raid the highway trust fund to fund other programs of Government, just where are we going to get our money?"

That's not my problem. We have Members of the Senate who were looking at that \$80 billion and saying, "Great, if we can prevent that from being spent on highways, we could spend it to pay arrears of the U.N. dues, we could spend it on social programs, we could give it to the Legal Services Corporation, we could do all kinds of things with it." So they are not happy that Senator BYRD and I want to allow the money to be spent on highways.

After, basically, raising the concern that they are going to be disadvantaged because they wanted to spend the money in inappropriate ways, now they are trying to say that Senator BYRD's amendment and my amendment would bust the budget. It is not so. Our amendment does not raise the spending caps in the budget. Our amendment does not provide any authority or mandate or excuse for violating the budget agreement we reached last year. All our amendment says is this: You are collecting this money in gasoline taxes. You are telling people that you are spending the taxes to build roads. At least allow those who want to deliver on what you are promising the American people the right to compete in the appropriations process with every other program of the Federal Government.

The answer for those who don't want the money spent on roads is, don't bring up the highway bill; wait and vote on this as part of the budget. Now here is what they hope to do. They hope to convince some of our Democratic colleagues that if they let the highway trust fund be spent on highways, that there is strong support for building new roads, which the country desperately needs and, after all, we said the money was being spent for it when we collected the gasoline taxes. So they are worried that we will build roads or they are going to argue that we will build roads and that will take money away from other programs, so if you want other programs, you don't want to build roads.

They are going to try by getting this all involved in the budget so it can be commingled with President Clinton's proposal to increase spending by \$130 billion and bust the caps. They are hoping to convince Republicans that our proposal is no different than the President's proposal.

The truth is, all we are asking is that money collected in gasoline taxes for

highways be authorized to be spent on highways, and then we have to have competition for available money. And under the budget, if we spend the money on roads, obviously, we are going to have to set priorities, and every Member of the Senate will have to make those decisions.

But this is not a budget issue. We are not talking about breaking the spending caps. This is an issue about highways. Let me tell you why it is critically important.

The current highway bill ends on May 1. It is highly unlikely that we will get another extension of the highway bill. Construction projects on roads and highways all over America are going to come to a screeching halt on May 1. In my part of the country, which is more blessed by God than others, we have long building periods where people can construct through a long spring and summer and fall and actually, for all practical purposes, build year round. But in many States of the Union, they have a 3- or 4-month window when they have to build highways.

So if we follow the prescription of the people who don't support building more roads, who want to spend the highway trust fund on other things, we are going to delay, and by delaying, we may get no highway bill, the States in the northern part of the country may lose their whole building window within this year and, finally, people need to make plans. They need to hire workers. They need to buy capital equipment. We have major highway projects that are partially completed, so we have tied up all this money in building new interstates and new bypasses, and the States, if we are forced to stop construction, will get no use out of those projects.

So I want to urge the majority leader to bring up the highway bill and bring it up next week. I want to make it clear to my colleagues, I will not support breaking the spending cap. I would not author an amendment that broke the spending cap. Our amendment does not raise the spending cap, and that is not what the Senator from Rhode Island is worried about. He is worried that we won't break the spending cap and that highways will compete money away from other programs. Well, I am not worried about that. That is exactly what I want to do, and I think it is the right thing to do. We have 51 cosponsors. We would love to have more.

I thank the Chair for the Chair's indulgence, and I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

HUMAN CLONING PROHIBITION ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. KENNEDY. Mr. President, earlier today, a request was made to consider the cloning legislation that had

been introduced by my friend and colleague, Senator BOND. Objection was made to the consideration of that legislation by the Senator from California.

I want to just indicate to our Members that I think Senator FEINSTEIN was quite right to file that objection. Many of us who are on the Labor Committee believed we would be debating the Satcher nomination this afternoon. It is an enormously important matter that has been delayed too long. We have an outstanding nominee. In fairness, we should be continuing that debate today. The leadership has decided to move on to this cloning legislation.

I believe that this legislation that is being proposed is one of the most important scientific and ethical issues of the 21st century. The legislation itself was introduced 2 days ago. It was put on the calendar 1 day ago. It has not received 1 day of committee hearings. It has not received 1 minute of committee markup. This legislation is a matter of enormous significance and importance to the research communities all across this country and they understand that this legislation does not only impact human cloning.

As the research community has pointed out, technologies that would be banned under Senator BOND's bill offer the key for reaching resolution of a number of very important diseases: Cancer, diabetes, birth defects, arthritis, organ failure, genetic diseases, severe skin burns, multiple sclerosis, muscular dystrophy, and spinal cord injuries. Stem cells may be the key to reproducing nerve cells, which is not possible today, and other cells that may be used to treat Alzheimer's disease, Parkinson's disease, Lou Gehrig's disease. The major researchers in every one of these areas oppose strenuously the Bond legislation because they believe that it will provide a significant barrier to meaningful progress in a number of promising research areas.

I will be delighted to discuss these issues, as Senator FEINSTEIN believes we should, in a timely way so that we can at least have an opportunity to consider these measures in the committee and report those out.

Therefore, I join Senator FEINSTEIN in objecting to the consideration of cloning legislation at this time. We have introduced legislation of our own on this subject. We hope that the Senate will consider it in due course, and that we can work out an acceptable compromise on this issue to give it the careful action it deserves. A rush to enact bad legislation on this subject would be far worse than passing no legislation at all. Every scientist in America understands that, and the American people should understand it, too.

Several months ago, the world learned of one of the most astounding developments in modern biology—the cloning of a sheep named Dolly. This incredible scientific achievement awakened widespread concern about the possibility of a brave new world, in which human beings would be made to