

must end. America will continue to stand by our friend and do what we must to help secure a peace and Israel's survival. But America's support of Israel should not be at the expense or exclusion of our relationships with our Arab friends and the Palestinian people. It need not be. America is against terrorists, America is not against Arabs or Palestinians. We are and can be a friend and supporter of all sides. We must be, or there will be no hope and no peace.

This also means that we will not retreat from our support of democratic principles, values, and expectations. We will not trade friendship and freedom for expediency and peace.

The other Arab leaders of the region must play a major role in this revived peace process. They have serious responsibilities and significant self-interests in helping end terrorism and resolving this conflict. There is no longer room for ambiguity or criticism from the sidelines. Abdication of responsibility or subtlety is no longer an option.

Crown Prince Abdullah, King Abdullah of Jordan, and President Mubarak of Egypt and other Arab leaders clearly understand the high stakes and are willing to take risks for peace. The prospects for getting a peace process back on track is best served when the risks are shared.

The Palestinian leadership must respond to the challenge and opportunity before it. Terrorism does an injustice to the Palestinian struggle for self-determination. A Palestinian state cannot be born from and committed to terrorism and hostility toward its neighbor.

It is a tragedy that the Palestinian people have been linked in the minds of many people—many Americans, to the methods of terrorists and extremists who represent only darkness and hatred, not the aspirations of most Palestinians for statehood and a life of hope and peace.

Real reform and change within the Palestinian Authority has become a condition of any peace agreement. This must happen—and happen now. The present Palestinian government must stand up and show a leadership that has been lacking for too long. The current Palestinian leaders must be accountable and take responsibility for the future of the Palestinian people. Terrorism and violence are not the means to statehood and legitimacy.

American and Israeli pressure and intervention, however, can not be the final determinants of a new Palestinian leadership. An alternative Palestinian leadership, as Foreign Minister Shimon Peres told me a couple of months ago, may be either too weak to make peace or too radical to even consider it. This will certainly be the case if alternative leadership is perceived as primarily the result of American or Israeli collaboration.

There are those in the Palestinian movement that have been speaking out

for democracy and against corruption in the Palestinian Authority for some time. Hanan Ashrawi and Mustafa Barghouti, as well as many others, have been taking risks for democracy for Palestinians and transparency in Palestinian governance long before it became a condition for a renewed peace process.

Leaders of the Arab world must take more responsibility for Palestinian leadership. They cannot look away. It is now far too dangerous for them to allow further drift in the Middle East.

In considering the difficult road ahead, I understand the political constraints and risks that Israel and our Arab friends face in moving forward with peace. But it is better to share the risk than leave the field to the terrorists and extremists who will fill the leadership vacuum.

The problems in the Middle East affect and influence all aspects of our foreign policy, including our leadership in the war on terrorism. The Arab-Israeli conflict cannot be separated from America's foreign policy. Actions in the Middle East have immense consequences for our other policies and interests in the world. We are limited in dealing with other conflicts until this conflict is on a path to resolution.

America's policy and role in the Middle East, and the perception of our policies and role across the globe, affects our policies and interests in Afghanistan, South Asia, Indonesia, and all parts of the world. We cannot defeat terrorism without the active support of our friends and allies around the world. This will require an enhancement of our relationships, not an enhancement of our power. It will require America's reaching out to other nations. It will require a wider lens in our foreign policy with a new emphasis on humanitarian, economic, and trade issues as well as military and intelligence relationships.

We need the active support and involvement of Egypt, Saudi Arabia, Jordan, and the other states of the Middle East to defeat terrorism. The potential for isolating them on one side, with the United States and Israel on the other, is the wrong path. The alternative to developing coalitions of common interest in the Middle East and our war on terrorism is a region afire with radicalism and rage directed at Israel and the United States. We cannot wait. We cannot defer the peace timetable to the perfect time for peace. There is no perfect time for peace or perfect set of dynamics for peace. It will happen because we make it happen. We must seize the time we have, with all its imperfections.

The perception of American power becomes the reality of American power. If we fail in our diplomatic efforts to help bring peace to Israel and her neighbors, and isolate ourselves and Israel in the process, our security and Israel's security will become more vulnerable and the world more dangerous.

We need to keep our eye on the objectives: peace between Israel and its neighbors and victory in our war on terrorism. I close by joining my colleague, the majority leader, in encouraging President Bush not to risk unraveling the progress we have made so far in the Middle East by allowing a period of inattention and inaction to drag us all back into a dark abyss of despair and danger. A conference or some tangible relevant framework for peace must be announced and organized soon. The stakes have rarely been so high, the opportunities so great, and the margins for error so small.

#### CLONING

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the matter before the Senate at the present time is an amendment offered by my friend, Senator BROWNBACK. I will address the issues raised by that amendment.

We are considering a question that is of vital importance for every American affected by diabetes, cancer, Parkinson's disease, or other serious disorders. That question is whether we will permit a type of life-saving medical research to achieve its full potential to heal illnesses and cure disease—or whether we will stop this promising research dead in its tracks and deny its benefits to millions of Americans.

We all know where Senator BROWNBACK stands on the issue of medical research using the breakthrough new technique of nuclear transplantation. My friend from Kansas wants to ban this research forever. That's the position he has stated time and again in this Chamber and in forums across the country. And that is what the amendment that he offers today will accomplish.

Members of this body have spent long, serious hours grappling with the complex scientific and ethical issues raised by the issue of human cloning. Senators know the difference between human cloning and medical research. Human cloning produces a human being. Medical research is done in a laboratory dish and produces cells. But these cells can be used by doctors to develop astonishing transplants that will never be rejected by a patient's own body.

A majority of the Senate opposes any legislation to ban, even temporarily, the lifesaving research on nuclear transplantation that brings such hope to so many of our constituents. In the innocuous guise of an amendment to suspend certain aspects of the patent law, my friend from Kansas is trying to accomplish the goal he has long sought—banning medical research that uses nuclear transplantation.

The Brownsack amendment does many things. First, it bans patents on any cloned human being. It seems to me that if we want to ban human cloning, then we should ban it—pure

and sample. I introduced legislation with Senator ARLEN SPECTER, Senator FEINSTEIN, and Senator HATCH to ban human cloning in a straightforward way. Our legislation makes human cloning a crime punishable by 10 years in prison and substantial fines. That's the way to prohibit cloning.

Using cloning to reproduce a child is improper and immoral—and it ought to be illegal. I think that every Member of the Senate would agree on this point.

Some want to use our opposition to human cloning to advance a more sweeping agenda. In the name of banning cloning, they would place unwarranted restrictions on medical research that could improve and extend countless lives. In a letter to the Congress, 40 Nobel Laureates wrote that these restrictions would “impede progress against some of the most debilitating diseases known to man.”

Of course we should reject the offensive idea that human beings could be patented, as the Patent Office already rightly does. But the Brownback amendment goes far beyond this commonsense proposal. It is so broadly written as to ban patents on single cells derived from medical laboratory research using cloning techniques. It even bans patents on the processes used to conduct this important medical research.

Why would my friend from Kansas propose such sweeping bans on patents? He offers this proposal precisely because he knows that if it is enacted, it will eviscerate this research.

The extraordinary progress in medical research that we have seen in recent years relies on two great motors of innovation: NIH funding and a dynamic private biotechnology sector.

But when it comes to vital research using nuclear transplantation techniques, one of those motors has already been broken. There are no research grants being given by NIH or any other Federal agency for this research. There never have been, and under this administration, there never will be.

If we had allowed our Nation's great research universities to conduct extensive nuclear transplantation research, there's no telling what medical miracles we might have seen by now. Perhaps scientists using NIH funds could have already developed replacement cells for little children with diabetes that would never run the risk of tissue rejection. Perhaps those same NIH-funded scientists could have developed new cures for those whose minds and memories slowly ebb away on the tide of Alzheimer's disease.

Fortunately, we have a robust and dynamic biotechnology industry where new cures are developed and new discoveries made. Because NIH will not fund nuclear transplantation research, every major discovery in this field has come from funds provided by biotechnology companies.

But the biotechnology industry runs on patents. Abraham Lincoln said that

the patent system “added the fuel of interest to the fire of genius.”

The Brownback amendment would permanently shut off the supply of that fuel. It would accomplish Senator BROWNBACK's long-held goal of banning this medical research entirely. NIH already can't fund it and the Brownback amendment would make sure no biotechnology company would touch it.

Instead of debating peripheral issues like patents, we should be debating the question that's at the core of this debate, whether we should allow or prohibit a type of medical research that bring hope to millions of Americans simply because it seems new or strange to some people.

We offered our opponents on this issue the opportunity for a debate, but they declined that offer. I am saddened by this decision, because I believe that these issues deserve to be debated thoroughly on their own merits, not hastily considered as part of legislation on insurance. I hope that we will have the opportunity for a full debate on the issue of cloning, as I know it is of profound interest to many of our colleagues. It has been my privilege to take part in some of the other great debates we have had over the years on issues raised by the progress of science.

In the 1970s we debated whether to ban the basic techniques of biotechnology. Some of the very same arguments that are raised against nuclear transplantation research today were raised against biotechnology back then. Some said that it would lead to ecological catastrophe or genetic monsters. Critics told us that the new science of recombinant DNA research was unproven and untested. They said that it might never yield new cures and that its benefits would never materialize.

We could not know in the 1970s all the incredible advances that recombinant DNA research would bring, not only in medical breakthroughs, but in so many different aspects of our lives. We didn't know then that DNA fingerprinting would one day ensure that criminals are punished and the wrongly imprisoned are released. But that is what is happening today. We did not know then that scientists would learn to put thousands of genes on a tiny chip, so that medicines can be customized for the genetic signature of an individual patient. But that is what is happening today. We did not know any of this in the 1970s. But we did know that recombinant DNA research offered extraordinary promise and that it should not be banned.

Because Congress rejected those arguments then, patients across America today can benefit from breakthrough new biotechnology products that help dissolve clots in the arteries of stroke victims, fight leukemia, and help those with crippling arthritis lead productive lives.

When in vitro fertilization was first developed in the 1980s, it too was bitterly denounced. And once again, there

were calls to make this medical breakthrough illegal. Because Congress rejected those arguments then, thousands of Americans today can experience the joys of parenthood through the very techniques that were once so strongly opposed.

Even heart transplants once seemed new or strange. Some denounced the idea of taking a beating heart from the chest of one person and placing it in the body of another.

But this debate is not about abstract ideas or complex medical terms. It is about real people who could be helped by this research. Dr. Douglas Melton is one of the nation's foremost researchers on diabetes. For Dr. Melton, the stakes involved in this research could not be higher. His young son, Sam, has juvenile diabetes, and Dr. Melton works tirelessly to find a cure for his son's condition.

One of the most promising areas of research on diabetes involves using stem cells to provide the insulin that Sam, and thousands of children like him, need to live healthy, active lives.

But a shadow looms over this research. A patient's body may reject the very cells intended to provide a cure. To unlock the potential of stem cell research, doctors are trying to reprogram stem cells with a patient's own genetic material. Using the breakthrough technique of nuclear transplantation, each one of us could receive transplants or new cells perfectly matched to our own bodies. Can we really tell Sam Melton, and the millions of Americans suffering from diabetes, or Parkinson's disease, or spinal injuries that we won't pursue every opportunity to find a cure for their disorders?

Some who support the Brownback proposal say that the science is still uncertain, that we should delay this research because we can not predict what avenue of scientific inquiry will be the quickest pathway to a breakthrough.

The Brownback amendment makes certain that breakthrough cures will never see the light of day. If Congress adopts that proposal, we can be certain that doctors will never use this medical research to develop new pancreas cells for diabetics that are perfectly matched to the patient's own body. We can be certain that doctors will never use these techniques for important new insights into the basic mechanisms of Parkinson disease or Alzheimer's disease. We can be certain that patients in every community in every State in the Nation will be denied the hope and the benefits that this research brings.

That is the kind of certainty the Brownback amendment brings. If you want to accept this false and dangerous certainty, then you should vote for his amendment.

But if you want to promote life saving medical research, if you want to side with patients, if you want to take a chance on hope, then I urge you to vote for patients, for medicine, for hope and for the bipartisan proposal that I have introduced with Senator

SPECTER, Senator FEINSTEIN, Senator HATCH, and many other colleagues.

I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Ohio.

Mr. DEWINE. I thank the Chair.

(The remarks of Mr. DEWINE and Mr. KENNEDY pertaining to the introduction of S. 2626 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

### CLONING

Mrs. FEINSTEIN. Mr. President, I listened to the distinguished senior Senator from Massachusetts speak on the cloning issue. I thought it might be a good opportunity to offer a few thoughts on that issue.

When one says cloning, most people automatically think of human cloning. They don't know that there is an aspect of it which is called nuclear transplantation or stem cell research. The two issues become somewhat blurred. In fact, if you ask people, do they think stem cell research should proceed, the answer you get invariably, once they understand it, is yes.

I deeply believe that stem cell research today in America is one of the brightest scientific fields we know of and offers unparalleled hope and opportunity for so many victims of a myriad of chronic, debilitating, and often fatal diseases. It is the bright rainbow out there in medical research.

I understand last night the Senator from Kansas placed an amendment before the body. I rise to indicate my strong opposition for that amendment. As I understand it, it would prevent stem cell research from going ahead. I also know there is discussion in the Halls of this distinguished body about presenting legislation for a 2-year moratorium on both human cloning and stem cell research. I would oppose that as well.

What would that say to an ALS victim who maybe has 5 years to live with the understanding that all research which could be of help to that victim will be stopped for 2 years? It is a mistake. It is throwing the baby out with the bathwater. It should not happen.

A number of us, including the Presiding Officer, have put together a bill on a bipartisan basis which satisfies the overwhelming majority of the people in America as well as a substantial majority of this body. It says: We recognize the fact that the cloning of a human being is unacceptable. It is immoral, and it should not be done.

Therefore, our legislation would make it a crime punishable by up to 10 years in prison to clone or attempt to clone a human being, without exception. It would establish a fine of \$1 million or three times any profits made, whichever is greater, on any person who clones or attempts to clone a human being. The financial penalty is in addition to the 10-year prison term.

It is very strong. It is definitive on making the cloning of a human being illegal and subject to a 10-year prison sentence and strong fines.

The beauty of our legislation is that it would also allow this most promising form of stem cell research, somatic cell nuclear transplantation, to be conducted on a human egg for up to 14 days only, under strict standards and Federal regulation. This 14-day requirement is consistent with the standard established in the United Kingdom and recommended by the California Advisory Committee on Human Cloning. There is precedent for it.

The reason for 14 days is to limit any research before the so-called primitive streak can take over that egg.

This stem cell research can only take place on an unfertilized egg. This is important because many of the opponents of stem cell research say: Aha, this is an organism capable of being a living being.

It is no different than a clump of blood cells. They are alive. Those blood cells are not capable of becoming a human being.

Skin cells are alive. They are not capable of becoming a human being, nor are any cells in the human body capable of that. An unfertilized egg is not capable of becoming a human being. Therefore, we limit stem cell research to unfertilized eggs.

We would ban profiteering and coercion by requiring that all egg donations for this stem cell research be voluntary, and that women who donate eggs can only be compensated minimally—large payments to induce donation would be prohibited.

We would prohibit the purchase or sale of unfertilized eggs, something called oocytes or blastocysts. We would require that nuclear transplantation occur in laboratories, completely separate from labs that engage in invitro fertilization, to prevent a "blurring of the lines," to avoid the risk that eggs used in legitimate and important nuclear transplantation research would then be implanted in a woman.

We would prohibit the export of eggs that have undergone nuclear transplantation to any foreign country that does not ban human cloning. This prohibition is designed to avoid the risk that valuable research in the United States will result in a human clone anywhere in the world.

We include strong ethics requirements that mandate informed consent by egg donors, review of any nuclear transplantation research by an ethics board, and safety and privacy protection. And we have applied to this the

strict Federal regulations that are appropriate in this area.

Any researcher who violates the bill's ethics requirements—even without attempting to clone a human being and becoming subject to the 10-year prison term and \$1 million fine—will face civil penalties of up to \$250,000 per violation.

So the legislation that you, Senator HATCH, Senator SPECTER, Senator HARKIN, Senator THURMOND, and myself, in a bipartisan way, have put together, we believe, offers this body the soundest approach to make human cloning illegal and, yet, to permit stem cell research to go ahead only on an unfertilized egg, only up to 14 days with strict ethical and Federal regulatory standards; to prohibit export to any country that permits human cloning; to separate it from in vitro fertilization, so there can be no blurring of the lines.

I think it is a bill that is well thought out, a bill that will stand the test of time and, most importantly, it is a bill that, while prohibiting the cloning of the human, will permit this bright rainbow of research to go forward.

Mr. President, you and I know that today there are 90,000 people awaiting organs or tissue replacement. We know that 4,000 people a year die because they didn't get it or because their body rejects that organ. Let's talk about what stem cell research is.

You have a human egg. That egg is unfertilized. Before it exists for 14 days, its nucleus is withdrawn. Into that space of the nucleus in this egg is injected the DNA from a sick person—a person who may have cancer, or ALS, or a brittle child who may be subject to amputation, blindness or death; it could be a Parkinson's patient or a burn patient. That egg is then forced to differentiate. As it goes through that period, it then can be encouraged to grow into tissues, or an organ, which then, when given to the sick person, there will be no rejection of that tissue or that organ. It also can be used with blood. It also can be used for cancer patients.

I cannot stress too much, when we get to the actual debate, there is anecdote after anecdote of individuals who have lost hope, for whom stem cell research gives back that hope. We have 40 Nobel laureates supporting us. We have hundreds of patient advocacy groups all across this Nation supporting us. We have the hopes and dreams of hundreds of thousands of people who are otherwise condemned to a life of disability.

Mr. President, you and I stood at a press conference with Christopher Reeve, one of America's great and talented human beings. We listened to him plead to be able to go ahead because this is the first time that, if you have had your spine severed, there is an opportunity to regenerate, to do something that has never been done in history—to give a paraplegic or a quadriplegic the opportunity to walk again.