

controlled Las Vegas: They've always chosen clean front men. There was never a hint of personal corruption on the part of Beame, Koch, or Dinkins. Their administrations were another story. Consider:

Under Ed Koch, the entire city department charged with inspecting restaurants had to be closed because there was almost no one left to do the job after investigators arrested the inspectors who were taking bribes. Not long afterwards, the department that inspected taxicabs had to be closed for exactly the same reason.

Over an extended period of the '80s and early '90s, the felony rate among Democratic borough leaders in New York City approached 50 percent. Criminal defense lawyers tell me that if senior managers of a private business used their jobs to commit crimes at this rate, the entire enterprise would be inviting a RICO indictment.

The Beame, Koch, and Dinkins administrations approved a contract with school custodians that was close to being criminal on its face: The custodians were required only to maintain schools to "minimum standards," and the contract precluded any effective enforcement mechanism. The lucky custodians then personally got to keep whatever money in their budgets they didn't spend doing their jobs. This type of contract came to an end only after a 1992 60 Minutes segment showed the custodians spending less time at the filthy schools they were ostensibly maintaining than attending to the yachts they acquired—and did maintain—at taxpayer expense.

As pre-Giuliani taxi and limousine commissioner Herb Ryan described the system after he was caught taking bribes, "Everybody else has their own thing. I just wanted to get my own thing." The literal translation of "Our Thing" is, of course, La Cosa Nostra.

This is just a small sample of what the Sixth Family Democrats and their appointees did—indeed, just a small sample of what they were caught doing. That predicate criminal activity is a major part of what in 1989 lured political rising star and crime-fighter Rudy Giuliani to run for mayor, a job that for more than a century had been a political dead end.

[From the Washington Post, June 18, 2001]

... FROM A NO-WOBBLE BUSH

(By Charles Krauthammer)

"Remember George, this is no time to go wobbly." So said Margaret Thatcher to the first President Bush just days after Saddam Hussein attacked Kuwait. Bush did not go wobbly. He invaded.

A decade later, the second George Bush came into office and immediately began a radical reorientation of U.S. foreign policy. Now, however the conventional wisdom is that in the face of criticism from domestic opponents and foreign allies, Bush is backing down.

Has W. gone wobbly? In his first days, he offered a new American nuclear policy that scraps the 1972 anti-Ballistic Missile Treaty, builds defenses against ballistic missile attack and unilaterally cuts U.S. offensive nuclear forces without wrangling with the Russians over arms control, the way of the past 30 years. He then summarily rejected the Kyoto protocol on climate control, which would have forced the United States to undertake a ruinous 30 percent cut in CO<sub>2</sub> emissions while permitting China, India and most of humanity to pollute at will.

Bush's assertion of American freedom of action outraged those—U.S. Democrats, Europeans, Russians—who prefer to see the world's only superpower bound and restrained by treaty constraints, whether bipo-

lar (ABM) or multipolar (Kyoto), in the name of good international citizenship.

The word now, however, is that Bush has gone soft. He sends Secretary of State Colin Powell to Europe to try to get agreement on missile defenses. He tries, reports the New York Times in high scoop mode, to cook an ABM deal with the Russians—shades of the old days. He then concedes there is global warming and promises action. "When President Bush announces . . . that he will seek millions of dollars for new research into the causes of global warming," reported the Times just one week ago, ". . . it will mark yet another example of how global and domestic politics have forced him to back away from the hairline pronouncements of his first five months in the White House."

The Bush administration, explained Newsweek, began by "playing the bully." But then "the Bushies began to see that they could not simply impose their agenda on a balky and complex world."

The alleged cave has been greeted with smug satisfaction from those on the left who see Bush returning, after a brief flirtation with the mad-dog ideological right, to the basic soundness of post-Cold War foreign policy as established by the Clinton administration.

Dream on.

Has Bush gone wobbly? Not at all.

Ask yourself: If you really wanted to reassert American unilateralism, to get rid of the cobwebs of the bipolar era and the myriad Clinton-era treaty strings trying Guliver down, what would you do? No need for in-your-face arrogance. No need to humiliate. No need to proclaim that you will ignore nattering allies and nervous enemies.

Journalists can talk like that because the trust is clarifying. Governments cannot talk like that because the truth is scary. The trick to unilateralism—doing what you think is right, regardless of what others think—is to pretend you are not acting unilaterally at all. Thus if you really want to junk the ABM Treaty, and the Europeans and Russians and Chinese start screaming bloody murder, the trick is to send Colin Powell to smooth and sooth and schmooze every foreign leader in sight, have Condoleezza Rica talk about how much we value allied input, have President Bush in Europe stress how missile defense will help the security of everybody. And then go ahead and junk the ABM Treaty regardless. Make nice, then carry on.

Or, say you want to kill the Kyoto protocol (which the Senate rejected 95-0 and which not a single EU country has ratified) and the Europeans hypocritically complain. The trick is to have the president go to Europe to stress, both sincerely and correctly, that the United States wants to be in the forefront of using science and technology to attack the problem—but make absolutely clear that you'll accept no mandatory cuts and tolerate no treaty that penalizes the United States and lets China, India and the Third World off the hook.

Be nice, but be undeterred. The best unilateralism is velvet-glove unilateralism.

At the end of the day, for all the rhetorical bows to Russia, European and liberal sensibilities, look at how Bush returns from Europe: Kyoto is dead. The ABM Treaty is history. Missile defense is on. NATO expansion is relaunched. And just to italicize the new turn in American foreign policy, the number of those annual, vaporous U.S.-EU summits has been cut from two to one.

Might the administration yet bend to the critics and abandon the new unilateralism? Perhaps. But the crowing of the Washington foreign policy establishment that this has already occurred is wishful thinking.

Will he wobble? Everything is possible. But anyone who has watched Defense Secretary

Rumsfield, read Deputy Secretary Wolfowitz known Vice President Cheney or listened to President Bush would be wise to place his bet at the "no wobble" window.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:45 a.m. shall be under the control of the Senator from Kansas, Mr. BROWNBACK.

Mr. BROWNBACK. Thank you, Mr. President.

#### EMBRYONIC STEM CELL RESEARCH

Mr. BROWNBACK. Mr. President, I rise today to address the issue of embryonic stem cell research and cloning. The two issues are inexplicably tied together. I want to discuss this in the narrow context of Federal funding for embryonic stem cell research and cloning. The two are tied together in what is currently being discussed. They take an embryo, raise it to a certain age, kill the embryo, take the stem cell out of the embryo—the young stem cells inside that are reproducing on a rapid basis—and use those in research, or use those for human development and in the capacity of making other organs in the future.

The next step will be to take the Presiding Officer's DNA material, my DNA material, the Official Reporter's DNA material, or the DNA material of some of the new interns, take it out, and put it into an embryo that has been denuded, take that DNA material, put it into the embryo, and start the growth that is again taking place so you will have a cloned individual.

That is an individual who has exactly the same DNA as somebody else. Scientists grow it to a certain age, kill the embryo, and take those stem cells from that embryo to be used to make an organ, or make brain cells, or make something else.

These two topics are tied together. It is a gate which shouldn't open.

Initially, I think we need to talk about Federal funding in Congress. We need to discuss the issue raised regarding Federal funding of destructive embryonic research. My position is that federally funded human embryonic stem cell research is illegal, it is immoral, and it is unnecessary for where we are and what we know today. We have other solutions that are legal, ethical, moral, and superior to where we are going with these Federal funds today regarding embryonic stem cell research and cloning.

The issue of destructive embryo research has come into better focus over the past few weeks as the new administration prepares to take definitive action on the Clinton-era guidelines which call the destruction of human embryos for the purposes of subsequent federal funding for the cells that have been derived through the process of embryo destruction.

Currently, we say, OK. You can't destroy the embryo, but you can use what is taken from the destruction of

that embryo. It would be like saying of the Presiding Officer, you can't kill him, but you can take his heart, you can take his lungs and brain, and his eyes out. And, if you get those, even though somebody kills him, that is OK.

Well, that doesn't seem to be right to most of us. It certainly doesn't seem to be right to me, nor the Presiding Officer. Yet that is what is being proposed, and currently taking what applies under the Clinton-era guidelines which call for the destruction of human embryos for the purpose of subsequent Federal funding for the cells that have been derived from the process of embryo destruction.

During the Presidential campaign, then Governor Bush stated, in response to a questionnaire, "I oppose using Federal funds to perform fetal tissue research from induced abortions. Taxpayer funds should not underwrite research that involves the destruction of live human embryos."

Later, after assuming the Presidency, his spokesman, Ari Fleischer, stated that the President, "would oppose federally funded research for experimentation on embryonic stem cells that require live human embryos to be discarded or destroyed."

I would like to applaud the President for his bold and principled stand in defense of the most innocent human life. It has never been, and it will never be, acceptable to kill one person for the benefit of another—no matter how big, or how promising the purported benefit.

Few issues make this point as clearly as the issue of destructive embryo research.

As my colleagues are well aware, Congress outlawed federal funding for harmful embryo research in 1996 and has maintained that prohibition ever since. The ban is broad-based and specific; funds cannot be used for "research in which a human embryo or embryos are destroyed, discarded or knowingly subjected to risk of injury or death." The intent of Congress is clear—if a research project requires the destruction of human embryos no federal funds should be used for that project.

The NIH, during the Clinton administration, published guidelines that sought to circumvent this language. At the time, several of my colleagues, and myself, sent a letter to the NIH stating our opposition to the guidelines.

It read, in part,

Despite their title, the NIH guidelines do not regulate stem cell research. Rather, they regulate the means by which researchers may obtain and destroy live human embryos in order to receive Federal funds for subsequent stem cell research. Clearly, the destruction of human embryos is an integral part of the contemplated research, in violation of the law.

That is simply because to get embryonic stem cells you have to kill the embryo. You kill an embryo to "harvest" stem cells and use them. This is destructive human embryonic research.

The letter that I cited was signed by, among others, Senators TRENT LOTT,

DON NICKLES, JOHN McCAIN, MICHAEL DEWINE, and JOHN ASHCROFT.

I ask unanimous consent that this letter be printed in the RECORD.

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

WASHINGTON, DC,  
February 4, 2000.

STEM CELL GUIDELINES,  
NIH Office of Science Policy,  
Bethesda, MD.

TO WHOM IT MAY CONCERN: Since 1996 Congress has banned federal funding for "research in which a human embryo or embryos are destroyed." We believe the draft guidelines published December 2 by the National Institutes of Health for "human pluripotent stem cell research" do not comply with this law, which we support and which remains in effect.

Despite their title, the NIH guidelines do not regulate stem cell research. Rather, they regulate the means by which researchers may obtain and destroy live human embryos in order to receive federal funds for subsequent stem cell research. Clearly, the destruction of human embryos is an integral part of the contemplated research, in violation of the law.

Because Congress never intended for the Executive Branch to facilitate destructive embryo research, we urge the National Institutes of Health to withdraw these guidelines as contrary to the law and Congressional intent.

Sam Brownback, Pete V. Domenici, Don Nickles, George V. Voinovich, Trent Lott, John Ashcroft, Chuck Hagel, Rick Santorum, Kit Bond, Bob Smith, Rod Grams, John Kyl, Jeff Sessions, Michael B. Enzi, Mike DeWine, Jesse Helms, Tom Harkin, Conrad Burns, Jim Bunning, John McCain.

Mr. BROWNBACK. Mr. President, in order to provide the justification for the NIH guidelines, the Department of Health and Human Services wrote a legal opinion reviewing the ban just mentioned above and whether or not Federal money could be used to conduct research on so-called human pluripotent stem cells that had been derived from an embryo. My conclusion—and that of many of my colleagues—is that this research is illegal. It is illegal for this reason: the deliberate killing of a human embryo is an essential component of the contemplated research; and without the destruction of the embryo the proposed research would be impossible, which brings us to a discussion of the morality of this research.

Recently there was a bill introduced, the Stem Cell Research Act of 2001, seemingly based on the NBAC recommendations, which seeks to allow Federal funding for researchers to kill living human embryos.

Under this bill federal researchers would be allowed to obtain their own supply of living human embryos, which they would then be allowed to kill for research purposes.

The very act of harvesting cells from live human embryos results in the death of the embryo. Therefore, if enacted, this bill would result in the deliberate destruction of human embryos—human life in its most infant stage.

This bill even violates current Federal policy on fetal tissue, which allows harvesting of tissue only after an abortion was performed for other reasons and the unborn child is already dead. Under this bill, the Federal Government will use tax dollars to kill live embryos for the immediate and direct purpose of using their parts for research. Is that something that we want to do? I don't think so.

Taxpayer funding of this research is problematic for a variety of reasons. First among those concerns is that if Congress were to approve this bill, it would officially declare for the first time in our Nation's history that Government may exploit and destroy human life for its own, or somebody else's purposes. We don't want to go there.

Human embryonic stem cell research is also unnecessary.

I think there is a point that is lost to many in the broader debate about when human life begins. Where should we protect it, and how do we protect? But the point is that human embryonic stem cell research, and, thus, cloning, is also unnecessary.

There are legitimate areas of research which are showing more promise than embryonic stem cell research, areas which do not create moral and ethical difficulties.

In the past, Congress has increased funding for NIH. New advances in adult stem cell research, being reported almost weekly, show more promise than destructive embryo research, and I believe should receive a significant increase in funding.

The Presiding Officer, myself, and everyone else in the room have stem cells within us.

It has been a discovery within the past couple of years. These stem cells reproduce other cells within our body. We have them in our fat tissue, our bones, and our brain. These are cells that can now be taken out, grown, and they have multiple actions of other material, other tissue they can replace. It is very exciting and very promising.

It does not have the ethical problems of killing another life and does not have the immune rejection problems like taking DNA material from another life and putting it into someone else. It is our own DNA. It is our own material, and it is showing great promise. I want to read some of the significant advances that have taken place in recent times in adult stem cell research, which I strongly support, and I support our increasing funding in a substantial way for adult stem cell research.

Research has shown the pluripotent nature of adult stem cells. In other words, they can have a multitude of options. Research shows the ability of a single adult bone marrow stem cell to repopulate the bone marrow, forming functional marrow and blood cells, and also differentiating into functional cells of liver, lung, gastrointestinal tract—esophagus, stomach, intestine, colon—and skin, with indications it

could also form functional heart and skeletal muscle. The evidence shows the stem cells home to sites of tissue damage.

In other words, these stem cells can go to the place where the damage is and start to reproduce and build up the damaged material.

This was a May 4, 2001, study that was just released on this pluripotent nature of adult stem cells. Adult stem cells can repair cardiac damage.

Researchers at Baylor College of Medicine found adult bone marrow stem cells could form functional heart muscle and blood vessels in mice which had heart damage. They note their results demonstrate the potential of adult bone marrow stem cells for heart repair and suggest a therapeutic strategy that eventually could benefit patients with heart attacks. The results also suggest that circulating stem cells may naturally contribute to repair of tissues.

Also, scientists at Duke University Medical Center showed that adult stem cells from a liver could transform into heart tissue when injected into mice. They say, "Recent evidence suggests that adult-derived stem cells, like their embryonic counterparts, are pluripotent . . ." They have a multitude of options of this stem cell conforming into bone, heart, and other types of tissue, and "these results demonstrate adult liver-derived stem cells respond to the tissue microenvironment . . .".

In other words, what is the environment that the tissue is placed into, and that is what it is responding to and developing.

Researchers at New York Medical College report results that show regeneration of heart muscle is possible after heart attack, possibly from heart adult stem cell.

I have several others I want to read, but one in particular I think is interesting is that scientists have found stem cells in our fat. So now we can take fat stem cells, of which we do not have a shortage in America, and those adult stem cells can be derived and made into other types of cells and grown.

A new report shows umbilical cord blood can provide effective treatment of various blood disorders in adults. It had previously been assumed that there were too few stem cells in cord blood to treat adults and only children were treated.

The results of this study show that cord blood stem cells can proliferate extensively and provide sufficient numbers of cells for adult treatments.

My point is we do not have to destroy another life to have the great success of stem cell work. We can take it out of our own bodies. We can take it out of our own fat and be able to grow these things, and we do not need to go down the route of what is called therapeutic cloning, to which destructive embryonic stem-cell research is going to lead.

In the future, people are going to say they want embryonic stem cells, but what they really want is to be able to clone you, to clone another individual, take that DNA material from you, from me, from somebody in this room, destroy a young human embryo, put the DNA material in there, start this to reproducing for a while, kill that embryo, take the stem cells out, and work with those because they are exact copies of the DNA from us. We do not want to open this door of going the route of cloning, and that is where this is leading.

Mr. President, that is why today I have spoken out on this topic. We should not be going this route. We do not need to go this route. It is illegal for us currently to go this route. I ask that we stop. This is a view that I believe the President shares. In fact, in a letter written to the Culture of Life Foundation, President Bush states:

I oppose Federal funding for stem-cell research that involves destroying living human embryos.

I ask unanimous consent that the President's letter be printed in the RECORD.

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

THE WHITE HOUSE,  
Washington, DC, May 18, 2001.

Mr. ROBERT A. BEST,  
President, *The Culture of Life Foundation, Inc.*,  
Washington, DC.

DEAR MR. BEST: Thank you for your letter about the important issue of stem cell research.

I share your concern and believe that we can and must do more to find the causes and cures of diseases that affect the lives of too many Americans.

That's why I have proposed to double funding for National Institutes of Health medical research on important diseases that affect so many American families, such as breast cancer. My proposal represents the largest funding increase in the Institutes' history. I also have called for an extension of the Research and Development tax credit to help encourage companies to continue research into life-saving treatments.

I oppose Federal funding for stem-cell research that involves destroying living human embryos. I support innovative medical research on life-threatening and debilitating diseases, including promising research on stem cells from adult tissue.

We have the technology to find these cures, and I want to make sure that the resources are available as well. Only through a greater understanding through research will we be able to find cures that will bring new hope and health to millions of Americans.

Sincerely,

GEORGE W. BUSH.

Mr. BROWNBACK. Mr. President, I fully anticipate that President Bush will settle the issue of Federal funding of embryonic stem cell research within the context of the existing embryo research ban in the very near future, and I hope we take up the issue of cloning and ban it. It is a place we should not and do not need to go. I applaud the President in advance for his defense, for his clear statement on cloning, as well, and his defense of the most innocent human life.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator from Kansas has expired.

Under previous order, the time until 11:30 a.m. is under the control of the Senator from Illinois, Mr. DURBIN, or his designee. The Senator from South Carolina, Mr. HOLLINGS, controls 10 minutes of that time.

#### BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

AMENDMENT NO. 805

Mr. DURBIN. Mr. President, I ask unanimous consent, notwithstanding passage of H.R. 1, that amendment No. 805, a Torricelli amendment, be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 805) was agreed to, as follows:

(Purpose: To require local educational agencies and schools to implement school pest management plans and to provide parents, guardians, and staff members with notice of the use of pesticides in schools)

At the appropriate place insert the following:

#### SEC. 9. PEST MANAGEMENT IN SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the "School Environment Protection Act of 2001".

(b) PEST MANAGEMENT.—The Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by redesignating sections 33 and 34 (7 U.S.C. 136x, 136y) as sections 34 and 35, respectively; and

(2) by inserting after section 32 (7 U.S.C. 136w-7) the following:

#### SEC. 33. PEST MANAGEMENT IN SCHOOLS.

"(a) DEFINITIONS.—In this section:

"(1) BAIT.—The term 'bait' means a pesticide that contains an ingredient that serves as a feeding stimulant, odor, pheromone, or other attractant for a target pest.

"(2) CONTACT PERSON.—The term 'contact person' means an individual who is—

"(A) knowledgeable about school pest management plans; and

"(B) designated by a local educational agency to carry out implementation of the school pest management plan of a school.

"(3) EMERGENCY.—The term 'emergency' means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

"(4) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 3 of the Elementary and Secondary Education Act of 1965.

"(5) SCHOOL.—

"(A) IN GENERAL.—The term 'school' means a public—

"(i) elementary school (as defined in section 3 of the Elementary and Secondary Education Act of 1965);

"(ii) secondary school (as defined in section 3 of the Act);

"(iii) kindergarten or nursery school that is part of an elementary school or secondary school; or

"(iv) tribally-funded school.

"(B) INCLUSIONS.—The term 'school' includes any school building, and any area outside of a school building (including a lawn,