I would like 1 minute when the Senator from Kansas finishes to make a comment or two.

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

Mr. BROWNBACK. Mr. President, if I can respond to my colleague from California, I am happy to work with her on the definition of human cloning. I object to her categorization that I am opposed to all research and just stop. That is not my position. I have strongly supported adult stem cell research. I do not know if you can put a dollar amount in the funding line that I would not agree with because I think it is very promising research, and I am strongly supportive of that research.

I object as well to the Senator's categorization that you take stem cells and put them in a woman's uterus. You do not do that. What I am talking about is an embryo that can be put into a uterus, actually form a living human being by everybody's definition. The Senator may have a different definition of when an embryo is a life.

Mrs. BOXER. I will go for that definition that you cannot place a humanly cloned embryo into a woman's uterus. I would go for it. I understand my friend supports in vitro fertilization. I do, too. We would not deal with that. If it is, in fact, a cloned embryo, absolutely I would walk down the aisle with you on that in a moment, in a heartbeat.

Mr. BROWNBACK. What about a cloned embryo period, once it is created?

Mrs. BOXER. I say we would stop it at the implantation stage.

Mr. BROWNBACK. What about a cloned embryo, period?

Mrs. BOXER. I would oppose a cloned embryo being implanted so you have a human being at the end of 9 months.

Mr. BROWNBACK. If I can reclaim my time—I do not want to be rude—herein lies the key, the rub of the issue: Some say you can create a cloned embryo and not implant it, with which I agree. I do not think we should implant that embryo.

Mrs. BOXER. We agree on that then.

Mr. BROWNBACK. What about the status of the cloned embryo, that is in its genetic material identical to one that is created naturally? Whether it is created by man or created by God, they are the same entities; they are identical. Therefore, do we say the status of one is different from the status of the other? Herein again lies my point.

Mrs. BOXER. How far back do you want to go?

Mr. BROWNBACK. If I can reclaim my time, before we move forward on this, should we not pause at this point in time and say: Let's stop here; let's stop everything here for a few months and see where we are going with the future of humanity? The next step will be genetic material from outside the human species into the human species. That is going to be one of the next cover stories, and we will still be here saying: I am not sure about this definition; I am not sure about that.

Do we want to burst that upon humanity and allow that to take place in our country? By our inaction, we will. I plead with my colleagues, let us work on this now and pause the whole issue for a short period of time so we can consider it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute.

Mr. SPECTER. Mr. President, I think this last brief exchange points up the complexity of the issue as to what we are dealing with.

When Senator BROWNBACK comments about what may occur next, they are matters of enormous concern. I do not like cloning in any form, and it may be when we have the debate and when we have the hearings, if the bill is not going to be called up—I was not prepared to propose Senator BROWNBACK call up the bill. I am prepared to debate this, and Senator BROWNBACK may persuade me and may persuade others.

I do think it is a more orderly process to give the scientific community an opportunity to present their case, but if Senator BROWNBACK will get the procedures to have a vote now and a debate and really explore the matter—the sole purpose I have made in this presentation is to raise a distinction between reproductive cloning and what others have called therapeutic cloning, which, as I understand it, is not cloning at all. I thank the Chair, and I yield the floor.

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

Mr. KYL. Mr. President, I thank the Senator from Kansas for bringing this important subject before the Senate. It is evident from what we have heard that this subject requires a great deal of further debate.

RELIGIOUS HUMAN RIGHTS VIOLATIONS AND NUCLEAR PROLIFERATION

Mr. KYL. Mr. President, I want to change the subject and have printed in the RECORD two articles from the National Review magazine. I ask unanimous consent they be printed at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. KYL. Mr. President, the first of these is written by Kate O'Beirne, who always provides very well-researched and well-written reports on a very timely topic. As she notes at the beginning of this article:

> The State Department issued the annual report required by the International Religious Freedom Act of 1998.

She goes on to note:

> With shocking regularity, human-rights groups report the death of Christians at the hands of Muslim militants in Africa, South Asia, and the Middle East.

She goes on to document the very troubling plethora of religiously motivated human rights abuses throughout the world. This is an article my colleagues would be well to review with respect to especially the debate that is ongoing about the sources of terrorism in the world today.

The second article is also from the National Review magazine written by Richard Lowry, an article which also, interestingly, quotes Samuel Huntington in his very timely and interesting book, ''The Clash of Civilizations.'' Lowry quotes Huntington as saying the following:

> The proliferation of nuclear and other weapons of mass destruction is a central phenomenon of the slow but ineluctable diffusion of power in a multicivilizational world.

He goes on to note that one of the causes for proliferation is Western naivete, especially in the support of arms control agreements as the way to stop this proliferation.

He notes that arms control agreements work only so long as no one wants to violate them, in which case they simply do not work. He goes on to provide his prescription of what could be done instead to deal with the issue of proliferation, which I think, again, we would all be commended to review. Therefore, I ask my colleagues to review these two items.

EXHIBIT 1

[From the National Review, Dec. 3, 2001]

MARTYRED

MUSLIM MURDER AND MAYHEM AGAINST CHRISTIANS

(By Kate O'Beirne)

President Bush's repeated assertions about the peaceful nature of Islam were briefly interrupted when the State Department issued the annual report required by the International Religious Freedom Act of 1998. This year, as in the past, our Muslim-world partners in the coalition against terrorism were prominently featured among the most violent, most intolerant regimes in the world. Religious minorities are persecuted in over 20 states where Islam is the official or dominant religion. The million Christians who have fled the Muslim world in the past five years were hardly seeking sanctuary from the peaceful face of Islam.

With shocking regularity, human-rights groups report the death of Christians at the hands of Muslim militants in Africa, South Asia, and the Middle East. In Pakistan, Islam has been the official religion since 1973, and over the years, the State Department has urged our ally to repeal section 295(c) of the penal code. This is the section that stipulates the death penalty or life in prison for blaspheming Mohammed, and the State Department notes that it ''contributes to inter-religious tension, intimidation, fear, and violence.'' A Christian Pakistani, Ayub Masih, was jailed five years ago on a blasphemy charge, and he has now filed his final appeal against the death sentence imposed on him. Masih is alleged to have said, ''If you want to know the truth about Islam, read Salman Rushdie.'' An accusation by a Muslim neighbor was enough to secure the blasphemy conviction. Under Pakistan's ''Hudood ordinances,'' the legal testimony of religious minorities is accorded half the weight of Muslims'. The testimony of a non-Muslim woman is halved again.

Most recently, gunmen from the ''Army of Omar'' opened fire on a Protestant congregation worshipping at St. Dominic's Catholic Church in Bahawalpur, killing at least 16. Islamic party leaders in Pakistan immediately

claimed that the massacre was a conspiracy to defame Muslims.

Then, Saudi Arabia. In a bracing departure from diplospeak, the State Department says, ''Freedom of religion does not exist in Saudi Arabia.'' For many years, Christians have been flogged, imprisoned, and executed by a Saudi government that prohibits non-Muslim worship even in private homes. A Muslim who converts to another religion is subject to the death penalty by beheading.

Nigeria is another nightmare. The Center for Religious Freedom, part of Freedom House, maintains a ''New Martyrs List,'' to call attention to the most horrific cases. In one bloody week in May 2000, over 200 people were killed in Kaduna. Among the dead was Rev. Clement Ozi Bello, a 26-year-old former Muslim who had recently been ordained a Catholic priest. The young priest was attacked by a mob that dragged him from his car, tied him up, and gouged out his eyes, before leaving him dead on the side of the road.

In October, churches and Christian-owned shops were gasoline-bombed in an area of Kaduna now adorned with pictures of Osama bin Laden. More than 6,000 people have died in religious conflicts in Nigeria since the end of military rule two years ago. ''Our people are being shot, butchered, and roasted,'' says Kaduna bishop Josiah Fearon.

The anti-Christian violence in Nigeria has been the direct result of the adoption of Sharia law, the strict Islamic code, by ten of the country's largely Muslim states in the north. Under Sharia, certain crimes are punishable by flogging, amputation, and beheading. The governor of one of these states dismisses the national constitution that proclaims Nigeria a secular country. ''To be good Muslims,'' Ahmed Sani says, ''we have to have Sharia to govern our lives, because God has told us that any Muslim who does not accept Sharia is not a good believer.'' Sani dispatched local officials to Saudi Arabia and Sudan to learn some more about the application of Sharia.

In Algeria, the military assumed power a decade ago, to prevent the Islamic Salvation Front from imposing Sharia on the country. Since then, Algeria has been engaged in bloody civil war. In 1994, the Armed Islamic Group pledged to eliminate Jews and Christians from Algeria. The group is deadly serious, having massacred thousands and even hijacking an Air France plane.

In the Philippines, an organization called Abu Sayyaf, with ties to al-Qaeda, wants to form an independent Islamic state in the southern islands. In May 2000, a Filipino Catholic priest was murdered along with four others among the 27 hostages kidnapped from two Catholic schools. Before being killed, Rev. Rhoel Gallardo was tortured for refusing to wear Muslim clothing and say Muslim prayers. During negotiations for the hostages' release, Abu Sayyaf demanded that all crosses be removed from churches.

Egypt, where the influence of Sharia law is growing, is home to the largest Christian community in the Middle East. The Coptic Orthodox are the targets of both militant Islamic groups and local security forces. Young Christian women are pressured to convert to Islam, while converts from Islam to Christianity have been tortured and imprisoned. Over the past 20 years, more than 30 massacres of Coptic Christians have occurred. In January 2000, during several days of rioting by Muslim mobs in Al-Kosheh, more than 100 homes and shops were destroyed, and 21 Christians and one Muslim killed. The Center for Religious Freedom says that the Egyptian government covered up these crimes to avoid the ''politically sensitive'' issue of punishing Muslims for murdering Christians.

Eventually 96 people were tried for the massacres in Al-Kosheh. The only four Muslims to be convicted were held responsible for the accidental killing of the Muslim. The longest sentence is being served by a Christian, Surial Gayed Isshak, for allegedly ''publicly insulting Islam.'' Amnesty International has declared Isshak a ''prisoner of conscience'' and called for his release.

In Sudan, the Islamic government is carrying out genocide against the Christian population in the south. Secretary of State Powell has labeled Sudan ''the biggest single abuser of human rights on earth.'' Two million people have died since 1983 in a civil war that ignited when the Khartoum government tried to impose Sharia on non-Muslims. Christians are slaughtered from the air by bombers, enslaved on the ground, and forced to convert to Islam or starve. Writing in the Winter 2001 issue of The Middle East Quarterly, Prof. Hilal Khashan of the American University of Beirut explains that Khartoum's rulers believe that non-Muslims in the south are their ''lost brothers'' who must be redeemed by Islam. According to Khashan, ''This attitude reflects the fact that Muslims, devout or otherwise, tend to believe that Islam, the ultimate divine truth, is destined to prevail at the expense of other religions.''

From reports by government and human-rights groups, a pattern clearly emerges: Predominantly Christian countries generally respect religious freedom, as do buddhist countries (absent Communist domination). The Center for Religious Freedom concludes, ''The religious areas with the largest current restrictions on religious freedom are countries with an Islamic background. This parallels problems with democracy and civil liberties in general, but the negative trend is stronger with respect to religion.''

Hilal Khashan points out that religion has been a decisive factor in most civil wars in Arabic-speaking countries, and there have been at least a million deaths (compared with 150,000 Arab deaths in combined Arab-Israeli wars since 1948). The murderous intentions of the extremist Muslims have clearly overwhelmed the influence of the pacific practitioners continually cited by President Bush. Journalist Amir Taheri noted in the Wall Street Journal recently that 28 of the 30 active conflicts in the world involve Muslim governments or communities.

In his oft-cited book The Clash of Civilizations and the Remaking of World Order, Samuel P. Huntington writes, ''Wherever one looks along the perimeter of Islam, Muslims have problems living peaceably with their neighbors. . . . Muslims make up about one-fifth of the world's population but in the 1990s they have been far more involved in intergroup violence than the people of any other civilization.'' Huntington further argues that Islamic militancy is not a heretical strain of Islam. ''The underlying problem for the West is not Islamic fundamentalism. It is Islam, a different civilization whose people are convinced of the superiority of their culture and are obsessed with the inferiority of their power.''

While scholars of the Koran debate whether or not its teachings justify violent jihads against non-believers, Christians in dozens of Muslim countries live with the fearful reality that they risk martyrdom at the hands of Islam—as they long have. Again, Huntington (writing in 1996): ''Some Westerners, including President Bill Clinton, have argued that the West does not have problems with Islam but only with violent Islamist extremists. Fourteen hundred years of history demonstrate otherwise.''

[From the National Review, Dec. 3, 2001]

DELAY OR DIE?

THE IMPERATIVE OF COUNTER-PROLIFERATION

(By Richard Lowry)

In 1946, U.S. delegate to the U.N. Bernard Baruch had an idea. All nations would be prohibited not just from seeking to develop nuclear weapons, but from building nuclear power plants that might create fissionable material appropriate for a bomb. Instead, an international authority would maintain a monopoly over nuclear activity, and the U.S. would eventually relinquish its weapons. U.N. Security Council permanent members would lose their veto over any action to enforce these restrictions, because, when it comes to nukes, ''to delay may be to die.''

Today, with worries about Osama bin Laden or other terrorists gaining access to the tens of thousands of nuclear weapons and the thousands of tons of fissionable material rattling around the world, Baruch's urgency may again seem appropriate. But his prescriptions don't, even as the spirit of them lives on in U.S. policy. The Baruch plan went nowhere in the U.N., but it still can be seen as a sort of high-water mark for post-war arms control. Then, the fantasy of non-proliferation at least still seemed shiny and new. It has been steadily discredited ever since.

The Baruch plan was the first shot in what would become an ever more tolerant and open-minded attitude to non-proliferation, pioneered by the Eisenhower administration, enshrined in the Nuclear Non-Proliferation Treaty, and finally brought to its appalling nadir by the Clinton administration. In the Age of Osama, it is time to acknowledge that non-proliferation is mostly a failure. It has restrained some nations—Japan, Ukraine, etc.—from acquiring nuclear weapons, but the overriding lesson of the last half-century is that weapons technology will always get through: through to the state that is willing to lie, cheat, and pay enough to get it.

The U.S. should now adopt a tougher, more clear-eyed approach to the proliferation of weapons of mass destruction and missile technology. It should concentrate less on the universalist goal of bringing all states under sweeping arms-control plans on an equal basis, and focus instead on a frankly discriminatory objective: denying weapons to the states—most of them Islamic—that are hostile to the West. This would be more practical than the grander efforts of the past, but it too would be doomed, eventually, to failure (although mere delay has its value). When rogue governments succeed in acquiring these weapons, the U.S. will have to punish or topple them, on the theory that the act of proliferation can't be eliminated but occasionally noxious governments can.

There should be no illusion about what is at stake in the proliferation of weapons of mass destruction. The U.S. should oppose it not because these weapons are inherently evil or because we seriously seek a nuclear-free world, but rather because their spread represents a diminution of Western power. As Samuel Huntington puts it in The Clash of Civilizations, ''The proliferation of nuclear and other weapons of mass destruction is a central phenomenon of the slow but ineluctable diffusion of power in a multicivilizational world.''

In fact, much of it has occurred with anti-Westernism as its implicit rationale, as China in particular seeks to undercut American dominance. ''Weapons proliferation is where the Confucian-Islamic connection has been most extensive and most concrete, with China playing the central role in the transfer of both conventional and nonconventional weapons to many Muslim states,'' Huntington writes. China and Russia have been

the suppliers, with Pakistan, Iran, Iraq, and North Korea—all terrorist states to one degree or another—the primary recipients. The Pakistani nuclear program, for instance, is almost entirely a Chinese production. And the Russians have been playing the same role in Iran.

History of a fantasy

Western naïveté has, over the years, helped push proliferation along, as Henry Sokolski argues in his book Best of Intentions. Eisenhower's Atoms for Peace program spread nuclear reactors around the globe ''to serve the peaceful pursuits of mankind,'' with little thought to the possibility that they might serve the war-making pursuits as well. The Non-Proliferation Treaty (NPT) of 1968, which sought to maintain the exclusivity of the nuclear club, is similarly starry-eyed. It talks of ''the inalienable right'' of signatories to develop nuclear technology, and urges ''the fullest possible exchange of equipment, materials, and technological information for the peaceful uses of nuclear energy.'' Cheating? Don't be silly. Sokolski quotes a Dutch NPT negotiator explaining that for parties to the treaty there should be ''a clear presumption'' that nuclear material and know-how won't be diverted to weapons programs.

This remarkable faith in the trustworthiness of every NPT nation is why signing the treaty was Iraq's first step toward acquiring a bomb. According to Khidhir Hamza, an Iraqi scientist who defected, Iraq used the presumption of innocence to acquire the hardware and knowledge for its massive nuclear program, which the International Atomic Energy Agency lending a hand. Hamza writes: ''Few of Iraq's suppliers—or the IAEA itself—ever bothered to ask a simple question: Why would Iraq, with the second-largest oil reserves in the world, want to generate electricity by burning uranium?''

IAEA inspectors were easily deceived and manipulated, partly because any particularly aggressive inspector would simply not be invited back. Not just the NPT, but most arms-control agreements—the chemical and biological weapons conventions, for example—rely on inspecting the uninspectable. As Kathleen C. Bailey writes in a paper on bioterrorism for the National Institute for Public Policy, ''Biological weapons facilities can be small, temporary, and without distinguishing features; there is no current means to detect a clandestine biological weapons production capability, absent serendipitous discovery.'' This is the problem with inspections generally: They can be guaranteed success only in the case of a nation not bent of frustrating them.

This circularity applies to arms-control agreements more broadly: They work so long as no one wants to violate them, in which case they simply don't work. The danger is forgetting this, and mistaking the sentiments and assurances that come with signing an agreement—which are so comforting and high-minded—with reality. This was a mistake that the Clinton administration inflated almost to a strategic doctrine: Don't verify, if you can trust instead.

Non-proliferation agreements are most effective when they are composed of like-minded nations determined to deny technology to a specific enemy, e.g., the Coordinating Committee (CoCom) of Western nations that sought to keep advanced military technology from the Warsaw Pact. The Clinton administration instead wanted to transform such organizations from, as Sokolski puts it, ''like-minded discriminatory organizations to norm-based efforts that increased members' access to technology''—in other words, it sought to include the proliferators in the agreements in the hopes that it would somehow reform them.

So, instead of cracking down on Moscow's missile proliferation, for instance, the administration made Russia part of the Missile Technology Control Regime (MTCR), even as the Russians were flouting its terms. The EU wanted the Russians in so that they could be a permitted market for European aerospace sales, while the administration argued that their membership would modify their behavior. When Moscow's behavior was resolutely unmodified—it continued to proliferate to Iran and Iraq—the administration rewarded the Russians with various contracts and subsidies anyway.

Meanwhile, at the administration's urging, China bulked up on treaties and agreements. It signed the NPT, the Chemical Weapons Convention, and the Comprehensive Test Ban Treaty, and it (sort of) joined the MTCR. All these Good Housekeeping seals made it easier for China to acquire Western weapons technology, harder to punish it for any transgressions. And did nothing to stop its proliferating. As an important 1998 Senate report, ''The Proliferation Primer,'' put it, Beijing still managed to be ''the principal supplier of weapons of mass destruction and missile technology to the world.''

As with Russia, the Clinton administration not only failed to punish the Chinese for their violations, it often rewarded them. After Beijing sold anti-ship missiles to Iran, Sokolski writes, the White House approved ''hundreds of millions worth of sensitive U.S. missile-related exports to the very Chinese firms known to be proliferating missiles.'' Such was the pattern.

Russia and China—even if the Clinton administration mishandled them—are at least major states susceptible to U.S. influence. Now, thanks partly to their handiwork, proliferation is so far advanced that an isolated basket case like North Korea has graduated from weapons consumer to weapons supplier. The North Korean No Dong missile has become, as a result of Pyongyang's salesmanship, the missile of choice in the third World. The Pakistani Ghauri and the Iranian Shahab-3 are both really No Dongs. Iran, in turn, has been able to market missile technology acquired from North Korea to Syria, as the daisy chain moves from rogue to rogue.

What can be done

Despite this dismaying picture, the U.S. must still do all it can at least to slow proliferation. Instead of ambitious global agreements and conventions, the U.S. should seek to create a CoCom-style regime focused on stopping proliferation to the block of nations that are most likely to use or threaten to use a weapon against the West or leak one to a terrorist: Iraq, Iran, Sudan, Libya, North Korea, and even our rent-an-ally Pakistan. One reason the success of the CoCom wasn't duplicated after the Cold War was that there was no agreement on who the enemy was; now there should be.

The effort should spread in concentric rings, beginning with tough export controls here in the U.S. No one—not businessmen, not politicians, not our allies—likes export controls, since they necessarily mean forgoing cash: but some things are just more important. The argument against controls is often that the technology in question is available elsewhere, so why not have American-supplied Libyan poison-gas plants rather than German? But we should lead by showing our own willingness to spurn certain profits. Meanwhile, European allies like Germany and France need to be convinced that joining the war on terrorism means recognizing that some export markets simply aren't worth having. Finally, we should urge nations that are loitering on the outskirts of the civilized world to choose up sides. Russia may choose the right way, China probably won't.

But there are limits to what can be done to stop the spread of weapons technology. Non-proliferators are in the position of anti-drug warriors, constantly involved in a futile effort to keep supply from meeting demand. It inevitably will. Then what? When supply-side non-proliferation fails, demand-side counter-proliferation should fill the breach. The best way to end demand for weapons of mass destruction is to seek the end—through diplomatic, economic, and military means—of the governments that want them. Iraq should be the easiest case. After years of flouting U.N. resolutions and international inspections, after stockpiling tons of chemical and biological agents and seeking a nuclear bomb, Saddam's regime should be made into a demonstration of the consequences of seeking weapons of mass destruction: It should be destroyed.

This would have an important educational effect. The reason governments seek weapons of mass destruction is that they know these weapons will increase their power. If they are shown that the pursuit of these weapons could also end their power, they might alter their calculations. In this light, aiding the Iranian opposition is a more important act of non-proliferation than getting President Khatami's signature on some agreement. In a similar way, missile defense can change the cost-benefit equation of acquiring missile technology by undermining the utility of ballistic missiles. So, this supposedly dangerously ''unilateral'' initiative—American missile defense—buttresses the cause of non-proliferation. Other unilateral actions, such as preemptive strikes on the model of Israel's take-out of an Iraqi reactor in 1981, or covert operations to sabotage technology shipments, can also repress proliferation in a way that gaudy treaties cannot.

None of this will be easy. It will require Western self-confidence, moral clarity, and, above all, military superiority. The cause of keeping our enemies from attaining weapons is achievable only with lots of weapons of our own: an enormous conventional military superiority, a credible nuclear deterrent, and—as a fail-safe—missile defense. But adopting this more muscular, realistic approach to non-proliferation is as urgent as the other kind seemed in 1946. In the words of Bernard Baruch, ''to delay may be to die.''

NOMINATIONS

Mr. KYL. Mr. President, I note with some dismay that the majority leader now seeks to fill time, given the fact we are not proceeding with the debate on the stimulus package, with other matters, such as the railroad retirement legislation. It seems to me we have a perfect opportunity to do what we should be doing in this interregnum, and that is to consider all the President's nominees who are languishing. We have the time to debate these nominations and vote on them. Let's do it.

Case in point: The majority leader talks about bringing up the railroad retirement legislation. This is the European-style, Government-backed occupational pension scheme. I think we would do better to complete the filling of the President's Cabinet.

Mr. President, as you know, John Walters is the last Cabinet member awaiting confirmation.

He is awaiting Senate confirmation to serve as Director of the Office of National Drug Control Policy, otherwise