Washington, stay in session, because I think this is a matter of such urgency and such paramount importance to our country and to the world that we should be continuing to focus on that matter.

The ominous forewarnings of this last couple of days affirm to me what Robert Kennedy said after the Cuban missile crisis. He said:

No action is taken against an adversary in a vacuum. The escalation on one side brings a counterpart response. A government of people will fail to understand this only at their great peril.

For the last 55 years the leaders of this country have understood that principle. They, too, faced dangerous dictators who possessed weapons of mass destruction, who headed countries that were hostile to the United States, the former Soviet Union, China, North Korea. But they didn't attack another country to eliminate those threats, even though they persisted, even though we disagreed with those countries, what their leaders did to their own people, the threats they were around the world. The principal reason was we understood the doctrine of mutual assured destruction. We understood no action against the United States would be an intolerable cost for our destruction of them and for the objectives we might accomplish militarily.

I believe these forewarnings we have received in the last few days should cause us to ask this administration why they expect Iraq to be any different. If the United States intervenes and begins to destroy that country and its cities, cause civilian casualties, why would we not expect Iraq to retaliate with every destructive force it has available to it within our own borders, against our own cities and our own citizens?

Why wouldn't we expect Osama bin Laden to do his worst to exploit this situation, to twist facts to be seen by the rest of the world other than as they are, but in ways that would be destructive to United States standing around the world and to our own national security now and in the days and months ahead?

Why does this administration believe it should disregard the lessons that other Presidents, Republican and Democratic, have recognized and observed and presumed to be as valid then as they are today? What is different about this situation?

At the Senate Armed Services Committee hearing this morning I asked the Secretary of Defense his assessment of our ability to protect our citizens from retaliatory attacks against them if we were to invade Iraq. I asked that question twice. How do you assess, Mr. Secretary, our ability to protect our citizens in their homes and their schools and our cities from an enemy attack? Neither time did I receive a direct answer to that question. Neither time. I have the highest regard for the Secretary of Defense. He has an enormous responsibility. He brings tremendous experience and ability and a heroic dedication to our country to this task. But if all this administration can offer the American people, when our national security alert is raised to the highest level, is duct tape, sheets of plastic and water, there is something very seriously wrong, if this administration intends to start a war, not against the most urgent threat to this country, not the threat that endangered us before, attacked us before and endangered us according to many of their own officials, al-Qaida, Osama bin Laden, the tape that was released this week that issues that threat against us and our citizens once again, not an attack against al-Qaida but against Iraq, against a country that, no question, is ruled by an evil man, a dangerous dictator, a man who almost certainly, as the Secretary of State has demonstrated, the President in the State of the Union, possesses biological and chemical weapons and has for the last 12 years, ever since the first President Bush made a strategic decision at the conclusion of the Gulf War to leave him in power, which may have been the right decision given the other options available, we should have done as we did.

Yes, an evil dictator, but one who has been constrained in key respects by active, ongoing efforts of diplomacy with our allies and containment by international forces by both former President Bush and President Clinton. Contained, constrained, not perfectly, not easily, certainly not voluntarily on his part, but effectively, more effectively than has been acknowledged in recent months. He is weaker, according to reports I have seen, militarily in most respects than he was before the Gulf War. He does, by all accounts that we can obtain, possess nuclear warhead capabilities at this time, which I agree with the President would be intolerable. But as President Clinton pointed out, he has not attacked his neighbors—not because he wouldn't like to, probably, but because he has not had the capability to do so under these containment policies for the last 12 years. And as far as I have been informed in various briefings, he was not actively threatening our country or his neighbors or anyone else when he was dusted off the shelf by this administration right after Labor Day.

The President has properly refocused the world spotlight on this man and his intent. The President has drawn a line very clearly, which I support, that it would be intolerable for this Nation to permit that dictator to possess nuclear weapons or the missile capabilities to deliver those weapons or any warheads against this country or against neighbors in the region surrounding him.

Certainly after September 11 and Operation Enduring Freedom, no one in this world could question the steady resolve of our President and his willingness, if necessary, to use military force. After Operation Enduring Freedom, no one could raise a doubt about the might of the United States Armed Forces and the strength we can bring to bear anywhere in the world as a last resort, as truly a last resort.

But there is another lesson from September 11 tragedy, horribly, the damage and the destruction and the loss of life and the untold human suffering and misery of families that a very small number of fanatic men could cause.

I don't think we should back down or be deterred by any threat. I think we should do what we must to defend this country, and the principles we have established in the last half century of dealing with these threats have been ones that have prevented war, preserved our peace, and strengthened this country and its position in the world. It would be a very dangerous precedent if we were to do, except as a very last resort, what no President in this country has done before, which is to start a war, which is to launch a preemptive attack against another country based on what it might in the future do to us. And I think we should consider what that precedent would mean if other nations were to follow that example. If we set a precedent in this “new world order,” as it has been called, that a preemptive attack against a possible future threat is the way to resolve crises or standoffs, what will happen when other countries adopt that path?

We have seen now—and we have been forewarned—that the nuclear proliferation that we are seeing other countries undertake is the worst nightmare that many predicted years ago, decades ago. If we didn't—the superpowers—bring to their attention the nuclear arms race and remove them from the shelves of the nations of the world. Now we are told that half a dozen countries—and more to come soon—will have them. That should be and must be a warning to us. What happens if we lead down a path on which we don't want other nations to follow?

If we set a precedent of preemptive attack, that path is one that the world will follow at its peril. I urge the President to take that into the most careful consideration as he makes this fateful decision.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is to be recognized for up to 60 minutes.

OMNIBUS APPROPRIATIONS
Mr. MCCAIN. Mr. President, usually I begin my diatribes on the appropriations bill by lifting up the appropriations bill for all to see; one, it hasn't been delivered and, two, I note by the
size of the existing copy down by the desk of the manager that it would be quite a task to pick up this year's appropriations bill. At my advanced age, I might be in danger of sustaining a hernia. But I still think that this probably is going to be the biggest battle in one of our longtime adversaries—the mother of all appropriations bills. It is some 5,000 pages.

I can safely say that I have not read it. My staff has been feverishly going through hundreds of pages, picking it up, and giving it back. The one they returned to me is the clean version. They have been doing this for some 4 months of the delay—and was not under his control. But I want to discuss this very briefly in context.

The context that we are looking at with this legislation is a huge looming deficit that is in front of us. Growing in size almost as fast as the eye can see. The idea is to be able to see it more clearly. Clearly, the possibilities of us not being able to review it, much less have any chance to discuss it, is one of our longstanding adversaries—the mother of all appropriations bills. It is some 5,000 pages.

Well, we don't have to worry about spending the debt down too quickly now. In 2001, we had a $127 billion surplus. We are living in a different time now. The Congressional Budget Office recently reported a larger-than-expected deficit of $199 billion for this year; and last week, with the result of the President's budget for 2004, the OMB projected record deficits of $304 billion this year and $807 billion next year.

I have, as chairman of the Commerce Committee, seen enough of our needs for security and safety at our airports, our ports, our rail stations, ports, or anywhere that the eye can only see for a few meters. I object, as chairman of the Commerce Committee, that it didn't go through my committee. I object to it even more when we have not had the open debate and votes and the opportunities that have national implications that are fundamental policy decisions.

Let's go back to some of the necessary earmarks: First, $280,000 for asparagus technology and production in Washington; $200,000 to the Coastal Region for future foods in Illinois—only in Illinois, of course.

My colleagues may note, as usual, the need for these earmarks are nearly always geographically based.

Next is $700,000 for the Midwest poultry consortium in Iowa; $250,000 for research on the interaction of grapefruit juice and drugs. I always wonder what kind of experiments these are. One of our all-time favorites, made famous by the Washington Post, was $200,000 to study the effect on the ozone layer of flatulence in cows. One always wonders about the testing procedures used to determine those effects. I object to the testing procedures used to determine those effects. This is another one that intrigues the observer. Regarding the interaction of grapefruit juice and drugs, I wonder what kind of experiments these are. One of our all-time favorites, made famous by the Washington Post, was $200,000 to study the effect on the ozone layer of flatulence in cows. One always wonders about the testing procedures used to determine those effects. This is another one that intrigues the observer. Regarding the interaction of grapefruit juice and drugs, we are interested in the prospect of the interaction of grapefruit juice and drugs.

Then we have $600,000 for tristate joint peanut research in Alabama; $500,000 for Missouri, Iowa, and Illinois Corn Growers Association for a pilot program to develop "production protocols." Again, I have to sometimes display my ignorance. I didn't know that in order to grow corn, there was a particular requirement for a protocol regarding production.

I see that the Senator from Iowa just came in and raised his hand to illuminate me on the production protocols associated with corn growing. But whether he can or not, there will be $500,000 being split up between his State, Missouri, and Illinois to their corn growers associations. But this won't be an overall production protocol; this is only a pilot program. So I am sure there will be a great deal of additional money coming once we delve into the pilot program for production protocols of growing corn.

Next is $50,000 to combat "feral hogs" in Missouri. You know, somehow I had a little depiction of feral hogs. I just don't know that threat to civilization as we know it, or at least enough to require $50,000 to combat feral hogs. Sometimes one would get the impression that perhaps the people in Illinois could fund their own combat scenario with feral hogs. Nonetheless, we will be coming in with 50 grand to combat those feral hogs, which I am sure are a serious scourge.

There is $500,000 to continue hybridizing efforts. But we will spend $30 million on this in Missouri. We will never forget when Alan Greenspan testified in front of Congress. "I didn't know that they were a threat to civilization as we know it, or at least enough to require $50,000 to combat feral hogs."

And then, staying right on this important mission of gasification, we have another $500,000 for the gasification of switchgrass in Iowa. Perhaps switchgrass can be part of the production protocol of corn. But one doesn't know: $1 million for the National Agricultural Based Industrial Loan Center; $20 million to develop a high-speed data transmission between the Library of Congress and education facilities, libraries, and network serving western North Carolina. I did not know there was a national need in the western part of North Carolina, as there might have been for other parts of the country. We will spend $100 million on this, and I don't know what that is going to do.

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Again, I have to sometimes display my ignorance. I didn't know that in order to grow corn, there was a particular requirement for a protocol regarding production.

I see that the Senator from Iowa just came in and raised his hand to illuminate me on the production protocols associated with corn growing. But whether he can or not, there will be $500,000 being split up between his State, Missouri, and Illinois to their corn growers associations. But this won't be an overall production protocol; this is only a pilot program. So I am sure there will be a great deal of additional money coming once we delve into the pilot program for production protocols of growing corn.
I think it is important to appreciate that this $1 million for a DNA bear sampling study could solve a lot of crime in Montana. It is a pretty high-crime area. It seems to me that is, indeed, a very worthwhile expenditure of the taxpayers' dollars.

While we are at it, I want to jump out of line here a second: $202,500 to the National Peanut Festival Agriculture Arena in Dothan, AL. I was interested in the National Peanut Festival. I did not see it much on television or hear much about it. So I went to the Web site. I think you will be comfortable to know we are spending this $202,500 for the 9-day celebration of the peanut harvest, which includes a variety of competitions, including recipe contests, beauty pageants, and tennis tournaments. Including driving around to look at the peanut fields on this Web site is a very interesting picture. I am sorry my colleagues cannot see it, but I would be willing to provide them with copies, but there are three individuals standing by a contraption that I have not seen before, and it says farmers demonstrate antique peanut harvesting equipment at Pioneer Peanut Days. Again, it seems to me that is a worthwhile investment of $202,500.

I have also one more that is kind of interesting: $90,000 for the Show-Me Aquatic Center for Development; $900,000 for the Show-me Aquatic Center in Missouri. We found a picture of it. It says: "Please Touch Me Museum, 210 North 21st Street, Philadelphia"—this is the $270,000 Please Touch Me Museum, I apologize. That is for kids and grownups. Of course, I had that confused with the very important facility that is in Missouri. I certainly would not want to confuse the different States.

One of the more remarkable aspects of this bill is in the HUD section, under EDI. There are 885 individual earmarks. Some of them are very interesting. Of course, there is $202,500 to continue the rehabilitation of the former Alaska Pulp Company mill site in Sitka, AK. I am reluctant to ask the Senator from Alaska how much that continuing rehabilitation is going to cost us overall.

We have a lot of important construction: $45,000 for the city of Tusccumbia, AL, for construction of facilities associated with the Helen Keller Festival; $90,000 for the city of Prattville, AL, for the Boys and Girls Club of Prattville.

I mentioned the peanut festival. Here are a couple new ones: $810,000 for the city of St. Louis, MO, for lighting sidewalks, curb, and street furniture along Kings Highway Boulevard and Chipewa Street. It must be a fairly serious situation there that we need to spend $810,000 down there on Kings Highway Boulevard and Chipewa Street in St. Louis.

I mentioned the Show-Me Aquatic Center in Missouri; $105,000 for the Food and Agriculture Policy Research Institute in Columbia, MO, to analyze commercial shipping alternatives; $90,000 to the city of Natchez, MS, for a feasibility study to develop a slack water port. That is just for a feasibility study; $135,000 to the Culinary and Hospitality Academy Center of Las Vegas, NV, for construction related to the expansion of an education training center. For those of you who have not visited Las Vegas, you might like to see it. It is a depressed and deprived area, and I can certainly understand why the Culinary and Hospitality Academy Center would need $135,000. I thought they could use some of mine.

For the adam, I am not a fan of those requirements. But why in the world do we make exception for a law in an appropriations bill when you know what the result is going to be? By granting exclusive rights to one cruise line, there will be no competition, and no one who wants to cruise Hawaii will pay much higher prices than for a commensurate cruise that people would take out of the East Coast.

I do not know if the President of the Senate from Hawaii put in a violation of law, and an exclusivity which is going to cost people who want to cruise the Hawaiian Islands an enormously greater amount of money. Why? That is crazy. I would have thought the Senator from Hawaii, after costing the taxpayers $185 million because of a provision he put in an appropriations bill—it never went through my committee which has oversight of it. It was never mentioned in my committee, after costing the taxpayers $185 million, the Senator from Hawaii then pulls this one. I am angry about it, and I will continue to be angry about it because the citizens of my State of Arizona would like to cruise the Hawaiian Islands and they would like to do it at the cheapest possible cost. When there is no competition, there is not low cost.

There has been no analysis of granting this exclusive exemption from the Passenger Vessel Services Act to the Norwegian Cruise Lines. Why? That is crazy. The American taxpayers have been fleeced by the Senator from Hawaii. I will continue to be angry about it. After costing the taxpayers $185 million, the Senator from Hawaii then pulls this one. I am angry about it, and I will continue to be angry about it because the citizens of my State of Arizona would like to cruise the Hawaiian Islands and they would like to do it at the cheapest possible cost. When there is no competition, there is not low cost. There has been no analysis of granting this exclusive exemption from the Passenger Vessel Services Act to the "Norwegian Cruise Lines" owned by a Malaysian company. Nor have the committees of jurisdiction had an opportunity to consider the proposal. 
I tell the Senator from Alaska and the Senator from Hawaii, we are going to have a hearing on this issue, we are going to have a GAO investigation, and we are going to find out why they lost $185 million because of a provision put into the bill. We are also going to get an estimate of how much this inactivity is going to cost my citizens who want to go on a cruise at the least possible cost. I will not quit on this issue. It is wrong, and it is the wrong way to treat this program. We will have hearings in the Commerce Committee, and we will expose this for what it is—disgraceful.

There are numerous other provisions in this conference report that circumvent the clear jurisdiction of the Commerce Committee. It incorporates almost wholesale a bill passed last year by the House of Representatives regarding air traffic control towers. The provision expands on the class of air traffic control towers that is eligible for FAA. I am all for aviation safety and it may be a good provision. I am troubled by several aspects of it.

First, the provision does not make new towers eligible for reimbursement. It makes eligible towers that were built beginning in 1996, over 7 years ago. At least the provision passed last year by the House provided that an airport tower would be eligible for a grant under this program only if the Secretary of Commerce certified that the selection of the tower for eligibility was based on objective criteria giving no weight to any congressional committee report, joint explanatory statement of a conference report, or statutory designation.

I wish to congratulate my House colleagues because they were concerned about the pork barrel projects practice and tried to insulate this particular program from such behavior. Guess what? They eliminated no objective criteria giving no weight to any congressional committee report, joint explanatory statement of a conference report, or statutory designation. Why would that be eliminated, I wonder?

The conference report also includes a provision and implements a whole new funding scheme for airport security projects. I am very concerned about funding for airport security. This is a reappearance for aviation programs and the Senate Commerce Committee, the committee of jurisdiction, has already begun hearings of FAA issues. Yet the appropriators have taken it upon themselves to establish a brand new funding scheme that has never been vetted, discussed, or voted on by the authorizing committee.

Some might start to wonder just what the Commerce Committee’s role is in policy decisions regarding the programs under its jurisdiction. This authorization of a new $2.5 billion program over 5 years for airport security projects without any discussion that I am aware of. The TSA was not consulted about this provision. It seems the special interest groups who were shopping this provision were the only ones that mattered. If this had gone through the regular legislative process, at least all parties could have been heard.

There are many different ways to fund security projects. This provision may be a good one. It mirrors a similar program set up at the FAA. However, the Department of Transportation Inspector General proposed several other ideas to our committee.

Another provision would allow airports to give airport improvement program money back to the FAA so the agency can hire staff to speed up environmental reviews of airport projects. This is an area in which the Commerce Committee took action last year and will continue to pursue this year. It should not be addressed in an appropriations bill.

I commend the conference for their attempts to help protect the investment the American taxpayers continue to provide to Amtrak. The conference report, which provides Amtrak $1.05 billion for fiscal year 2003, includes conditions that require the funding to be appropriated on a quarterly basis through formal grant agreements with DOT.

The conferes worked to ensure that Amtrak provided sufficient funds to meet its contractual obligations with State and local subdivisions for commuter and intercity corridor services. Amtrak should not be in a position to shut down commuter operations as it threatens to do this summer because it does not have sufficient funds to operate its entire network.

The conference committee has slightly reduced Amtrak’s appropriation from that provided in the Senate-passed measure, but it has also postponed repayment of Amtrak’s $100 million loan from DOT.

The conferes authorized the Secretary of Commerce to award grants and make payments of up to $50 million to support travel to the United States. To carry out this new authority, the appropriators established the United States Travel and Tourism Promotion Advisory Board and provided $50 million. This tourism board has never been considered by the authorizing committee of jurisdiction. Nor did the Department of Commerce have any input on the creation of this new board. Who came up with the $50 million—and is there any accountability? The U.S. Travel and Tourism Promotion Advisory Board, and gives them $50 million.

I am pleased to see the conference appropriated money for electric trains.

The conference report on NOAA provides more than $490 million in earmarks, and just for aquatic, not atmospheric programs of the National Oceanic and Atmospheric Administration, to go toward 150 earmarks. The administration did not request funding for these programs in the budget, and many programs they did request funding for are underfunded or zero funded.

The conference report appropriated an astounding $104 million for fisheries disasters assistance. Of this amount, $35 million is for direct assistance to the State of Alaska for any person, business, or town that has experienced an economic hardship even remotely related to fisheries. The remaining $69 million is for developing an Alaskan seafood marketing program. Of the remainder, $35 million is for the shrimp industries in the Gulf of Mexico and South Atlantic to provide far-reaching assistance for many aspects of these fisheries; $20 million is provided for voluntary capacity reduction programs in the Northeast and west coast fisheries; $5 million is for Hawaiian fishermen affected by fishing area closures and other management rules; and $5 million is for blue crab fisheries affected by low harvests.

The conference report requires the Department of Commerce and Coast Guard to provide coordinated, routine surveys for fisheries monitoring and enforcement through use of remote-sensing aircraft and communications assets, with particular emphasis on Federal waters seaward to South Carolina and Georgia. Without review by the authorizing committee, we have no basis for knowing why this is a good use of Federal dollars and resources.

The conference report earmarks $10 million to promote and develop fishery products and research pertaining to American fisheries to develop an Alaskan seafood marketing program. Ten million is a lot of money to be spending on a marketing program.

As far as the Coast Guard is concerned, managers earmark a total of $83 million of the Coast Guard budget. That earmark is an increase of $10 million over last year’s funding and they have obviously never been proposed.

In HUD, as I mentioned, 885 targeted grants.

I also will talk for a minute about the lowly catfish, one of my favorite subjects. We know the lowly catfish has been the subject of a real deal of debate and discussion on the floor of the Senate due to the fact that in another appropriations bill, we changed the name of the catfish that comes from Vietnam to basa. But now the lowly catfish, those that are still named catfish because they are raised in the United States, we are now qualifying catfish for livestock compensation programs. Catfish are cows.

As my colleagues know, the livestock compensation program is a Federal farm program that compensates eligible livestock producers, such as owners of beef and dairy cattle, sheep, goats, or certain breeds of buffalo that have suffered losses or damages as a result of a severe drought. Now it is the catfish.

I often take issue with various farm policies that disproportionately benefit large agribusiness or farms at the expense of farmers and taxpayers, and...
those that compromise American agricultural trade commitments. This effort to compensate catfish farmers from a farm program that is intended for livestock stands out. I am certain that catfish proponents will offer a dozen or more resolutions to justify this provision. In fact, the last time we discussed this, one of my colleagues from Tennessee talked about in his State there are catfish that leave the water and travel in herds, so perhaps that is why we are now calling a catfish a fish. Even taken poignantly, or horse producers are eligible under the livestock compensation program. Why should catfish then get livestock payments? We know labeling continues to be a nationally significant agricultural issue. Again, the issue was addressed in the appropriations bill.

The Army Corps of Engineers is, of course, one of the favorite places. Not only are there a lot of earmarks by far, but there are significant changes in policy or law under the rubric of this appropriations bill. In this legislation, the administration is prevented from proposing or even studying changes to the Army Corps Engineers civil works program, such as reorganizing aspects of the agency's management structure, without specific direction in an act of Congress. It seems to me that is remarkable micromanaging.

I guess I have taken enough of my colleagues' time at this late hour, and I know we should be voting on this bill and leaving. I point out again, this bill which the distinguished chairman of the Appropriations Committee described as the largest appropriations bill in the history—and I certainly take his word for it—in my now 17 years of monitoring these things, has the largest number of earmarks by far. I find that wrong for a variety of reasons, but one of them being that we are supporting a war. We are about to ask young men and women to make sacrifices. In fact, some of them in the next few weeks may make the ultimate sacrifice. And here we are, business as usual, business as usual, larding on extraneous projects without any discussion that I am aware of. I imagine it is historic as far as the turnaround is concerned, from a $27 billion surplus to a $300 billion deficit. I mind that very much. I think it is not the right thing to do.

This provision, the material was ordered to be printed in the RECORD, as follows:

### Commerce Committee Provisions

#### ncl provision

Mr. President, I regret that the conferees chose to adopt a special interest provision for one cruise ship company at the expense of all other competitors. The last time Congress meddled in this area with hollow promises of spurring the American shipbuilding industry, it ended up costing the American taxpayers a whopping $185 million. I shudder to think that we are meddling again.

The conference report grants a subsidiary of the Malaysian-owned "Norwegian Cruise Lines" (NCL) the exclusive right to operate three large foreign-built cruise vessels in the domestic cruise trade. This will be permitted notwithstanding the Passenger Vessel Services Act, which requires vessels transporting passengers to be U.S.-owned. NCL is to pay $127 billion surplus to a $300 billion deficit as the turnaround is concerned, from a $27 billion surplus to a $300 billion deficit. I mind that very much. I think it is not the right thing to do. There are significant changes in policy or law under the rubric of this appropriations bill. In this legislation, the administration is prevented from proposing or even studying changes to the Army Corps Engineers civil works program, such as reorganizing aspects of the agency's management structure, without specific direction in an act of Congress. It seems to me that is remarkable micromanaging.

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General proposed several other ideas to our committee.

Another provision would allow airports to give Airport Improvement Program (AIP) money to Amtrak so the agency could hire staff to speed up environmental reviews airports projects. This is an area in which the Commerce Committee took action last year but has not continued to pursue.

While the earmarking in this legislation is as egregious as ever, the raiding of existing accounts for unrelated purposes is equally appalling. The AIP program is supposed to be devoted to the infrastructure needs of our nation's airports, so the conference report takes tens of millions of dollars out of AIP to pay for the FAA's costs of administering the EAS program, and the Small Community Air Service Program.

These are worthy activities and programs, but it violates the long-established purpose of AIP to use monies for these things. This continual raiding of AIP, which is also being encroached upon by the appropriation of security costs from it will slow the necessary development of airports. We may be in an aviation crisis funding this year if this wholesale taking of money from the Department of Transportation's Airport Improvement Program (AIP) which is also being encroached upon by the appropriation of security costs from it will slow the necessary development of airports. We may be in an aviation crisis funding this year if this wholesale taking of money from the Appropriations Committee.
The statement of managers earmarks $1,600,000 for enhanced oil spill prevention activities in the waters of Washington State. This earmark was not requested by the Administration and it should not be included in this conference report. The administration should be given an opportunity to receive an award for the most creative language. It states, and I quote, "the Committee expects the Secretary of the Army to use this provision in agreements, receive, and retain funds from and pay funds to such public and private entities, which accept contributions of funds, materials, services, and the use of facilities from such entities. This provision would enable the federally subsidized Yards to indirectly compete with private industry for shipbuilding contracts. This is authorization language pertaining to the Coast Guard Yard that is required by the jurisdiction of the Commerce, Science, and Transportation Committee. Nonetheless, prior to the consideration of this legislation by the Appropriations Committees, it should notify either the Commerce, Science, and Transportation Committee concerning the changes in law."

Mr. Mccain. I yield the floor.

Mr. Stevens. Mr. President, the Senator from Nevada had an inquiry. I yield to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. Reid. I just so the two leaders know, does the Senator from Illinois know for how long he wishes to speak?

Mr. Durbin. I ask the Senator from Nevada what are the plans for this evening?

Mr. Reid. What are we working toward is having final passage on the bill this evening, if all things work out right.

Mr. Durbin. I certainly don't want to delay final passage.

Mr. Reid. Why doesn't the Senator proceed?

The Senator from Georgia also wishes to speak for 3 minutes?

Mr. Stevens. Yes.

Mr. Reid. Why don't we have the Senator from Georgia speak first for 3 minutes and then the Senator from Illinois speak. If the managers want to speak then, they can do so. I so ask unanimous consent.

Mr. Stevens. It is 5 minutes and 3 minutes, is that correct?

Mr. Reid. He's going to stop whenever you want him to.

Mr. Stevens. All right.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Georgia.

Mr. Chambliss. Mr. President, I don't think I will take my full 3 minutes. I just want to rise and say that while Mr. Chairman, I am going to vote for the omnibus bill, I am really disappointed with the agriculture disaster portion in this omnibus bill. On the Senate side we debated and discussed this issue at length. The chairman of the Senate Agriculture Committee, who is also chairman of the Senate Agriculture Appropriations subcommittee, I thought did an excellent job putting together a package that accomplishes the goal of getting funds immediately in the hands of farmers all across America. My farmers have had 5 rough years back to back, and they need money now.

Under the provisions that came out of the conference committee, which was basically the House provision, farmers across America are not going to be getting funds until probably August, September, or October. Farmers are going to be out of business if they don't get this money now. To pass this provision in this bill I think is the wrong approach. I don't like that provision in the bill. I do support it. I know the chairman had a very difficult time with this particular issue as well as other issues, but I think that is wrong and I wanted to register my objection. I yield back my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. Durbin. Mr. President, as a member of the Senate Appropriations Committee, I know the amount of labor and work that goes into the drafting of a bill and I also know when you postpone the orderly process of passing spending bills and wait an extra 4 or 5 months, there is an opportunity for mischief. I think only in time will we be able to sift the $1,600, 1,800, 2,000 pages of this bill to find out in painful detail what is included.

There are several things that have come to my attention. I would like to draw them to the attention of my colleagues.

Let me start by saying there is one issue most people don't like to talk about and I am going to raise this evening because I think it is critically important. The District of Columbia is a city which is governed by a mayor, a city council, and 535 wannabe mayors in the Congress.

It seems that every Member of the House or Senate who wanted to be a mayor at some time in their lives decided at some point to make a decision for the District of Columbia. I think that is unfortunate. The people of this city, like every city, have a right to govern themselves. Occasionally that infusion of congressional mischief can reach a perilous state. Let me give an example.

The AIDS rate for the AIDS disease in our Nation's Capital is the highest in the country. It is 10 times the national average. More and more women are being diagnosed with AIDS in Washington, DC. DC health officials reported last October 616 new AIDS cases in 2001 alone, 33 percent among women. In 1981 women only accounted for 7 percent of AIDS cases.

City health officials in Washington estimate 40 percent of AIDS cases are associated with injected drugs.

The question is, how can we stop this AIDS epidemic in the Nation's Capital, which is not only infecting more and more women and children, but appears to be out of control. Frankly, there are programs that work. One of the programs is not popular to talk about. Many people feel they can't talk about it from my political standpoint, but it is not. You can't run away from reality. It is a needle exchange program. It is a program that invites addicts in, in an effort to try to first give them a needle that is clean, and then bring them into rehabilitation so they can stop their addiction.

There are those who say don't give them clean needles because they will just keep using them. But you know what they will use, they will use dirty needles and pass the AIDS epidemic on and on and on.

I am not expert in this area. I get squeamish talking about needles and
injections. But the fact is, the people who are experts, the American Medical Association and medical officials, have said it works. Put these programs on the street corners and in the storefronts of Washington, DC, and we can start tackling the AIDS infection rate in our Nation's Capital.

There is no reason in my mind why the people of the District of Columbia should not be able to use their own money to try this approach to reduce drug addiction and reduce the AIDS epidemic in their city.

Across the United States, there are programs in many States. But sadly enough, the Members of the House of Representatives have put in a provision that prohibits the District of Columbia from even using its own tax dollars to do anything in any way support this kind of project.

Some of the very congressmen who beat on the desk and beat on their chest and talk about how they are going to fight these needle exchange programs represent districts and States where these programs take place today. This is a sad outcome in this bill. I hope those who reflect on it will realize they are taking some high and mighty moral position and people will die because of it.

Stand by the doctors, stand by the professionals. Stop playing mayor and city council for the District of Columbia. Sadly, this appropriation continues.

Exhaustive scientific review has found that needle exchange programs are an effective way to slow the spread of HIV and AIDS. In a speech last September, Dr. Joseph O'Neill, Director of the Office of National AIDS policy, indicated that the administration did not oppose the use of state and local funds to support needle exchange programs.

The American Medical Association, the American Nurses Association, the American Association of Pediatrics, and the American Public Health Association endorse these programs. The Institute of Medicine identified access to sterile syringes as one of four "unrealized opportunities" in HIV prevention in a publication issued last year. The IOM committee recommends that the Administration "rescind the existing prohibition against the use of Federal funds for needle exchange to allow communities that desire such programs to institute them using federal resources." The Centers for Disease Control and Prevention estimated that there were 156 needle exchange programs operating in the United States in 83 cities and 31 States last year, which receive state and local financial support for their activities. None of these programs receive Federal support at this time.

The CDC publication also indicated that 95 percent of needle exchange programs in operation referred clients to substance use treatment and counseling programs, and over half provide on-site voluntary HIV testing and more than a quarter also screen for hepatitis B and C.

In 2000, four needle exchange programs were functioning in my home state of Illinois. In spite of the overwhelming support from public health and medical professionals, we here in Congress have once again prevented the District of Columbia from using its own local funds to finance these lifesaving programs. I was pleased when the Omnibus Appropriations bill passed by the Senate allowed the District of Columbia to use LOCAL funds to finance a needle exchange program. Washington, DC has one needle exchange program, Prevention Works, that is supported with private funding. Both the Mayor and Police Chief support the program.

However, I am deeply disappointed to learn that the conference report we are considering today maintains the irrelevancy status quo, which prevents the District from using its own locally generated revenue to finance needle exchange programs.

This conference report disregards the expert opinions of former Surgeon Generals David Satcher and C. Everett Koop, leading medical and public health organizations, the Director of the Office of National AIDS policy and the Institute of Medicine. It is my hope that next year we will stop politicizing this issue and recognize that the District of Columbia, just like all of our home states and districts, deserves to have all possible resources at its disposal to combat this devastating public health crisis.

The same is true when it comes to attorneys' fees for special education. Think about this. In every school district in America, if you have a disabled child and want that child to have an education, they have a right to appeal that decision. That's the case across America.

Sometimes, because it is complicated and expensive, attorneys are involved to represent the parents and the school district to resolve their differences. It happens every day across America.

In the District of Columbia it has gotten out of hand. Some law firms—only a few—have exploited the parents of disabled children and turned in attorneys' fees requests to the District of Columbia public school system that are way out of line. Some of these firms have become shady operations that offer not only attorney counseling, but special education service providers that package raises many suspicions.

I am happy Senator Hutchison and I could agree on limiting the attorneys' activities so those questionable activities are not going to get out of hand. But I think we should put an end to this cap on attorneys' fees and say to the DC public school system once and for all, for goodness sakes, offer kids with disabilities the kind of special education opportunities that are available across America. This provision capping attorneys' fees in this appropriation bill I think is a mistake.

Not only are such caps an intrusion on home rule and local spending prerogatives, I do not believe that imposing a cap on payment of attorneys' fees is the way to address significant and long-standing problems with the delivery of special education services to children in the District of Columbia. These fees arise because parents are forced to bring due process actions against the city school system—and the parents win their cases.

It is unacceptable for Congress to impose a dollar cap on how much the City of Washington pays attorneys. In these cases, particularly after a judge has awarded a fee based on a reasonable-necessity standard. However, I do support language in this bill which addresses concerns about particular attorneys who have shamelessly taken advantage of the system.

I support a complete bar on paying attorneys' cases in which the District's Chief Financial Officer, CFO, determines that an attorney, officer, or employee of the firm has a pecuniary interest in any special education diagnostic services, schools, or other special education service providers.

Furthermore, I believe the provisions in the Senate bill which mandate stronger ethical standards are appropriate.

I support the provisions in the bill dictating that the District's CFO require disclosure by attorneys in IDEA cases of any financial, corporate, or other relationship with special education diagnostic services, schools, or other special education service providers before paying any attorneys' fees; that the CFO may
require certification by counsel that all services billed in special education were rendered; that the CFO report to Congress quarterly on the certifications and the amount paid by the government of the District of Columbia, the District of Columbia Public Schools, to attorneys in cases brought under IDEA; and that the District's Inspector General may audit the certifications to ensure attorney compliance.

It is my hope that these provisions will produce needed accountability. I am glad they were retained in the final product.

I am disappointed, but not surprised, that the cap remains in this final version of the bill. I share the sentiment that abuses of this program need to stop. I want to work to address that problem and to figure out why the District has had such perennial problems with its ability to meet the needs of its children in special education.

But for this Republican Congress to deprive children of legal recourse when they are denied services to which they are entitled. It is wrong for the Republican Congress to preclude the District of Columbia from using the law to make all legitimate payments in this critical special education program.

There is another provision that was slipped in this bill as it relates to the Bureau of Alcohol, Tobacco and Fire-Arms and the Freedom of Information Act. This provision is an enormous setback to the efforts of State and local governments to combat illegal fire-Arms trafficking. It undermines the very purpose of the Freedom of Information Act.

This act entitles citizens to open access to Government records, prevents the Government from shielding its activities from public scrutiny. The City of Chicago, which I represent, filed a Freedom of Information Act request to obtain information about the ATF trace database. The purpose, of course, is to determine which gun sellers and manufacturers were responsible for selling guns to criminals.

In response to these rulings, the gun industry went to the House Appropriations Committee and asked for a rider in this bill to prevent the ATF from complying with the FOIA request and telling the City of Chicago and the public what they were doing.

This provision sets a dangerous precedent because it essentially directs Federal government not to comply with the Federal court ruling, thus undermining the very purpose of FOIA. If litigants can be denied information under FOIA through legislative action—even when a Federal court has upheld this request—FOIA itself is in jeopardy.

There is no cost justification for this. This provision has been inserted to do with appropriations. This is an effort by the gun industry to stop cities that are ravaged by gun crime from going after the irresponsible gun dealers who are selling guns to criminals. And the NRA and the gun industry are shielding them with this rider in the appropriations bill. I was joined by Senators J ACK REED and TED KENNEDY in urging that this provision not be included. Unfortunately, it was.

Let me acknowledge also, as has been said by some of my colleagues, that I am very concerned about the language of funding for homeland security in this bill. The Senate, in its version of this bill, added almost $4 billion in homeland security funds to be sent back to the State and local governments to protect America. As I stand and speak on the floor of the Senate, we are warning families across America that we are in orange alert and that they have to take special precautions to protect themselves and their children from the possibility of biological and chemical warfare and dirty radioactive bombs.

SADLY enough, we are not providing the resources for the State and local governments to meet this challenge. Make no mistake, America is prepared to attack in the Middle East, but America is not prepared to defend against bad reality. This bill cuts out almost $4 billion that would have gone for some very important purposes: Additional money for the Transportation Security Administration for monitoring airports; additional mony for the INS and border security to stop those from coming in this country who are bent on bad behavior; community policing grants to try to help communities have someone on the other end of the line when you dial 9-1-1, cut $120 million; FEMA disaster recovery assistance, cut by $1 billion; the Department of Justice Office of Domestic Preparedness, cut by $1 billion; firefighters grants, cut by $150 million; interoperable communications equipment, cut by $100 million; the No. 1 priority in my State so that the police and firefighters and medical first responders can communicate, cut in this appropriations bill from the Senate level.

These cuts, frankly, came at the request and with the approval of the White House and the Office of Management and Budget. Emergency Operation Center, cut nationwide by $155 million; port security by $20 million; port technology demonstration projects so that we can see dangerous cargo coming in these ships, cut by $1 million; explosives training initiative, cut by $7 million; and $42 million from embassy security.

I pray to God that nothing happens to this country as a result of Terrorism. But I think we have been delinquent in our duty to provide the resources to State and local governments to protect families, to protect commercial interests and families and businesses across America. This bill, with its $4 billion in cuts off the Senate level, leaves us in a precarious situation and one that I hope does not come back to haunt us in years to come.

Let me conclude on a positive note. I thank the Senator from Alaska. Despite these words of critique, I personally appreciate, as does Senator Wyden, this person’s initiative he took in the global AIDS epidemic. His decision on the floor to approve an amendment which we offered is going to mean that thousands and maybe more will have their lives saved. I thank the Senator from Alaska. He has been a leader on this issue all the way. We have reached a 42-percent increase in funding to fight the global AIDS epidemic through his cooperation and leadership. I thank him very much.

I yield the floor.

I ask unanimous consent that a statement entitled “Underfunding Homeland Security” be printed in the RECORD.

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

UNDERFUNDING HOMELAND SECURITY

At a time when the Administration is ramping up for war overseas, one would think we would be doing everything possible to fortify our security at home as well.

That’s certainly what the Administration has to believe, because we’re supposed to pass this 1,100 plus page omnibus bill that slashes funding for the pillars of homeland and security.

And after cutting funds for first responders, for airport security improvements, for community police officers and more, what do they propose? That Americans fortify their own homes with duct sheets. This Administration can and must do better to protect the safety of the American people.

This bill leaves significant gaps in funding for homeland security priorities.

The Republican-controlled conference committee rejected increases in homeland and security funding that were approved unanimously last year by a Democratic-led Appropriations Committee. Instead, the Republican-controlled conference imposed an additional 0.65 percent across-the-board cut to all federal programs, leaving already cash-strapped initiatives in even greater need. The results of the cumulative cuts, which total more than $4.4 billion:

First Responders: This bill cuts $2.98 billion from activities designed to aid first responders. Cuts include a $1.59 billion reduction for the Federal Emergency Management Agency (FEMA)—including a $150 million cut to firefighter grants—as well as a $235 million cut to funds for police and firefighters to purchase communications equipment and a $135 million cut to fund emergency operations centers.

Port and Air Law Enforcement: The bill reduces funding for Community Oriented Policing (COPS) public safety and community policing grants by more than 40 percent—from $1 billion to $200 million. This cut would completely eliminate funding needed to hire 1,360 community-based police officers.

Aviation/Port Security: The bill cuts $170 million from Transportation Security Administration (TSA), impeding efforts to improve airport security, and cuts $46 million from port security funds. The bill also makes cuts to the U.S. Customs Service, resulting in the loss of more than 200 employees and compromising the implementation of the Container Security Initiative and other homeland security efforts. The INS/border security budget is also reduced by approximately $182 million.
While this increase of $56 million was welcome, unfortunately, it was not enough. Senator Mike DeWine and I set out to achieve that 50 percent increase, and though the floor amendments to the omnibus bill, sought another $180 million to bring overall spending on Global AIDS to $1.525 billion.

This amendment was accepted—its success demonstrates the Senate's sincere commitment to fighting global AIDS. $100 million of these funds were slated for the Global AIDS Fund, which receives the world's primary organization to monitor and support worldwide AIDS prevention, treatment and care programming. And the remaining $90 million would go to USAID global AIDS programs.

Well, during conference, we lost $90 million of the $180 million total. But, nevertheless, I count this as a victory for the global AIDS pandemic.

In the end, an additional $50 million was secured for the Global Fund, bringing the U.S. contribution up to $550 million for 2003, and an additional $50 million went to bilateral programs.

This omnibus bill designates $1.2 billion for global AIDS. That is a 50 percent increase over what Congress appropriated in 2002.

The President's 2003 budget request suggested an increase in funding of global AIDS of only 20 percent. I would say we have come a long way.

We will need this type of increase— at least a 50 percent increase— each year until we can close the gap between expenditures and resources necessary to fight this pandemic.

The President's FY04 budget request amounts to an increase of only 32 percent over the $1.4 billion the U.S. will spend overall on global AIDS in 2003.

[This bull dog] I will be back, asking that at a minimum we achieve a 50 percent increase in global AIDS funding each year for the next few years.

We must continue to do more for the 42 million people worldwide who are living with HIV/AIDS and prevent a good portion of those that will become newly infected in 2003.

During the last ten minutes I have been speaking, approximately 58 people have died from AIDS, 11 of those were children.

A 15-year-old boy in Botswana faces an 80 percent chance of dying before he turns 20.

By 2010, it is estimated that sub-Saharan Africa alone will be home to 20 million AIDS orphans; that’s 20 million children who have lost one or both parents to AIDS.

We must act now to help those who today suffer from the impact of HIV/AIDS as well as to change the future of today’s children.

We know the situation is dire. We have data to support what program work. Now it’s time to fund the programs that work. The 2003 appropriations bill helps us to take yet another step forward in fighting global AIDS.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICIAL. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent, under the previous