

despite the existence of nominal controls, most high performance computers are no longer licensed and monitored.

Not only is China using U.S. technology to build its own military capabilities, it is transferring this technology to countries that support international terror networks. The China Commission found that:

Chinese firms have provided dual-use missile-related items, raw materials, and/or assistance to Iran, North Korea, and Libya.

Chinese companies have also exported substantial dual-use telecommunications equipment and technology to countries like Iraq. Media reports indicate that the Chinese firm Huawei Technologies—an important player for many U.S. firms who want to reach the Chinese telecom and data communications market—assisted Iraq with fiber-optics to improve its air-defense system. This was not only a violation of U.N. sanctions, it also greatly increased the danger to U.S. and British pilots patrolling the no-fly zones.

Despite the serious concerns of some policymakers, Members of this body, and others about the national security implications of transfers of such technology to China, the Senate, in September 2001, passed S. 149, the Export Administration Act. If enacted, this legislation would significantly relax our export control regulations and make it far easier for China to obtain sensitive U.S. technology. It would decontrol a number of items—including electronic devices used to trigger nuclear weapons and materials used to build missiles and produce nuclear weapons fuel—by giving these items “mass market status.”

Mr. President, it is my hope that, as the anniversary of September 11 approaches, the administration and Congress recognize the potential danger of allowing business interests to continue to trump our national security needs. I am a strong proponent of free trade and open markets. But our national security should not be sacrificed for potential commercial gain. The federal government's first responsibility is the protection of the American people.

How the United States chooses to manage its relationship with China will have a far-reaching impact on our long-term national security. As that country continues to play a more prominent role on the world stage—no doubt a product of its economic liberalization—it is imperative that U.S. policy appropriately address not only our trade relationship, but also the threat posed by China to U.S. national security. Our actions should be based not on wishes, but on facts—even if they are unpleasant.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

#### PRIORITIZING ISSUES

Mr. THOMAS. Mr. President, I will talk a little about the issue we are cur-

rently dealing with in this Chamber, which is the Interior appropriations bill. It is a bill that is very important to those of us from the West. Being from Wyoming, it is a particularly interesting and important issue.

I listened to the assistant majority floor leader talk a little this morning about the importance of moving on with the issues we have before us. He enumerated the very many issues he considers apparently to be of primary importance. We are going to have to move forward, but we are going to have to make some priorities. We obviously do not have a great deal of time.

Many of the issues the Senator from Nevada mentioned are issues that have been around for a long time, without much push from the leadership to do anything about them until now. I hope we do not find ourselves dealing with too many issues and dealing with them insufficiently.

I hope we set priorities for where we are going to spend the rest of our time. My reaction is we need a little less talk and a lot more action.

With regard to Interior, for those of us in the West, one of the issues—especially in the case of Wyoming—is that half of our State is Federal land and managed, to a large extent, by those agencies that are funded in the Interior bill. This is a bill of about \$19.5 billion, which is a little more than last year but generally about the same.

It is interesting that these agencies do create some revenues, mostly through royalties and minerals. About \$6 billion worth of revenue comes from these activities.

The Bureau of Land Management handles a great deal of the land in our State. It has a great deal to do with multiple use. It has a great deal to do with our opportunity to go ahead and use those lands for the various kinds of activities that are good for the local economy, good for the Nation, and good for energy, for example, and at the same time protect the environment, which is also key to what we are doing.

I will comment further on PILT, payment in lieu of taxes. When a county could have as much as 80 percent of the land controlled and owned by the Federal Government, they have a real problem with tax revenues. Those lands would be earning revenue if they were in Maryland and owned privately. When they are owned by the Federal Government, there is no tax revenue. That is what the Payment in Lieu of Taxes Program is designed to do.

We also have the Wild Horse and Burro Program. We all want to preserve wild horses. They are spread over the country—some in Nevada, some in Wyoming, some in other States. However, we have a problem with overpopulation. It is an issue that exists with most wild critters. No one wants to do anything in particular to hold down the numbers. In the past, the numbers grew until there was not enough food and they starved to death.

We do not want to do that. There has to be a particular number of wild horses, or elk, whatever, that can thrive; there is only so much vegetation for a certain number. Beyond that we have to do something. It is not an easy issue but we must deal with it. That is important.

The Forest Service is one of our national treasures. We need to preserve the Forest Service; we need to preserve the forests. We have done a good job. This year has been extremely difficult when it comes to wildfires. We have lost 6 million acres. We are faced with the question of how to better prepare and eliminate some of those fires. There are programs out there. The administration has one now that will be included in an amendment to this bill that allows thinning and allows ways to avoid fires rather than putting our energy into fighting fires.

I grew up next to the national forests in Wyoming. We were halfway between Cody, WY, and Yellowstone Park. It is a beautiful area with a great many trees and occasional threats from fires. There are cabins and buildings. We have a plan, if we could implement it, to hopefully avoid some of the fires.

The National Park System is one of the big activities in the Interior Department. We have 385 national parks in this country. Some are large. In Wyoming, we have Yellowstone, the oldest and largest park in the country. We have had a chronic problem of maintaining the infrastructure of the parks. They have millions of visitors, generally on a seasonal basis, during a relatively short time. The administration has promised to put \$4.5 million into infrastructure so we can keep the parks available for people to enjoy and visit. That is our responsibility. The Interior dollars are very important.

Other activities of concern include the Fish and Wildlife Service, mining, as well as some research on energy and fossil technology and clean coal technology. Along with that is the U.S. Bureau of Indian Affairs. We are providing the best service we can to Native Americans. We are providing an opportunity for them to continue to begin to build as strong an economy as possible.

For a moment I will talk about the Payment in Lieu of Taxes Program. The Senate appropriates approximately \$220 million for that PILT Program—more than it has ever received. We have not yet reached the appropriation to be equivalent to the authorization. Nevertheless, we have made some progress. This year, 67 of my colleagues joined in a request to increase PILT to help more than 2000 counties and local governments. When there is a county that has anywhere from 50 to 90 percent Federal lands, it is up to the county to provide the services necessary—whether it be law enforcement, fire, whatever. Those are county responsibilities. Therefore, there needs to be some revenues from the land. That is what these payments are about. We are moving toward that. I thank the committee for moving as they have toward

reaching the authorization of the funds available. Certainly that authorization is not totally enough to fill all the needs, but it is an improvement over the past.

This also gives an opportunity for those counties to create their own financial structure, much of which often is tourism, which, again, is costly. I thank the committee for what they have done with respect to payments in lieu of taxes to the counties. I hope we are able to include that. Our allocation is larger than the House and we need to bring that up so we have a satisfactory arrangement.

In the West we have had 3 years of very low rainfall, actual drought. It is very difficult. In Washington, it is normal to have 50 inches of rain a year. In Wyoming, it is more likely to be an average of 16 or 17 inches. It is a low precipitation area at best. Therefore, we irrigate. Irrigation water generally comes from reservoirs, from the runoff of snowfall that is captured in the mountains and let down during the summer. We have had relatively slow snowfall over the last several years and therefore our reservoirs are getting low and have been very low this year. We have had, certainly, a bona fide drought problem—not only in Wyoming but all through the area, including the Dakotas and down. There has been a great deal of discussion about it. On the Agriculture Committee we talked about that a great deal. The Agriculture Committee bill as prepared does not deal with drought. We think they will get support in the area of crops, but it is based primarily on loans after the product is sold. If you did not produce a product, there is nothing there. That is why we need to have disaster assistance. There will be less spending in the Agriculture bill because there will be less crops grown—with a higher price because there are less—but many farmers and ranchers will not produce a crop.

We should offset some of that to the farm bill spending. Whether we offset it or not, the fact is there will be less money spent in that area than could be spent. Therefore, what we spend here could replace what was there. I hope that is the approach we take.

We should have some limitation on how much we have there, but, indeed, it is a big issue and it will be a \$5.5 billion issue to be able to deal with the losses that agriculture has suffered.

I hope, too, we do not simply focus on farm crops. Again, in my State, the biggest agricultural area is livestock. Livestock people have suffered as well. What has happened is there is no grass for grazing where the cattle are on private lands. In some cases where there has been grazing allowed, in the forests or BLM, Federal lands, there has not been a sufficient amount of grass. Ranchers have had to sell cattle because they have not had the feed and will not have the feed this winter.

When we do talk about agriculture, the idea often—particularly in some

Midwestern States—is that just refers to farmers. I want to tell you it is farmers, but it is also those who raise livestock, cattle, and sheep. People who are in that business need to be recognized as well, in terms of what we do here to help the agricultural industry during the drought. We will be dealing with that. We will come back to it.

I say again I hope we can set some priorities for the relatively limited amount of time left of this Congress. I hope that we select those items that are timely, that need to be done. I understand when we come to the end of a session everybody has ideas of things that they would like to have happened that did not happen, but we are not going to be able to do all those things. So what we have to do collectively is show some leadership as to which of those issues should be dealt with. Then we can do that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

#### GRANDPARENTS DAY

Mr. LEAHY. Madam President, first, on a personal basis, earlier, at the opening of the session, it was noted that yesterday was Grandparents Day. I send my best to all those who are grandparents. The Presiding Officer, of course, is far too young to know the joys of that time in our lives. She does have the joy of two of the most beautiful children anybody has seen in the Senate family. But there will be a day when the other will come. The ranking member and I have the joy of being grandparents.

So I wish all grandparents the best and also extend special wishes to one growing, shameless Leahy.

After that outrageous usurpation of the podium, Madam President, probably, if my wife is watching, she is probably beginning to wonder if I took too much time off in August.

#### UNANIMOUS CONSENT AGREEMENT

Mr. LEAHY. Madam President, I ask unanimous consent regarding the time of the chairman and the ranking member of the Judiciary Committee that was originally set to be half an hour evenly divided, that we still have that half hour evenly divided, and the vote then begin after the expiration of that time.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF KENNETH A. MARRA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will proceed to executive session and proceed with the consideration of Executive Calendar No. 889, which the clerk will report.

The legislative clerk read that nomination of Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I do believe that Judge Kenneth Marra will be confirmed to the U.S. District Court for the Southern District of Florida. I have heard of no opposition. This is a judge who got strong bipartisan support in the Senate Judiciary Committee, which usually guarantees a confirmation on the floor. When that happens, the Democratic-led Senate will confirm its 74th judicial nomination made by President George W. Bush. This will also be the 25th judicial emergency vacancy that we have filled since I became chairman last summer, and the 18th since the beginning of this year.

The confirmation of Judge Marra will bring additional resources to the U.S. District Court for the Southern District of Florida. Judge Marra was nominated to fill a new position Congress created by statute to address the large caseload, particularly the immigration and criminal cases, facing the Federal court in Florida. He is one of three Federal judicial nominations on the Senate Calendar for action.

I recall during the past administration, the Clinton administration, we all worked very hard in cooperation with Senator GRAHAM and Senator MACK to ensure that the Federal court in Florida had its vacancies filled promptly with consensus nominees. Due to the bipartisan cooperation between one Democrat Senator and one Republican Senator and a Democratic President, the Senate was able to confirm 22 judicial nominees from Florida, including 3 nominees to the Eleventh Circuit. But it is unfortunate that this tradition of cooperation, coordination, and consultation has not continued with the current administration.

By my recollection, it was only the nomination of Judge Rosemary Barkett of the Florida Supreme Court to the Eleventh Circuit that generated any significant controversy or opposition. I do recall that she was strongly