

I was reminded of this the other day as I read David McCullough's biography of our first Vice President, John Adams. When Adams and his fellow delegates voted to approve the Declaration of Independence, they knew precisely what kind of trouble they were bringing on themselves. To sign the Declaration, one of the founders said, was like signing your own death warrant. As of July 4, 1776, they would be considered traitors to the king, at war with the army of an empire.

Large numbers of enemy soldiers were already positioned on American soil, intent on crushing the rebellion in short order. In mid-August, 32,000 British troops landed at Staten Island—an army greater in size than the entire population of our then-largest city, Philadelphia. The American force was far smaller, had very little in the way of equipment and supplies, and was comprised almost entirely of poorly-trained volunteers. All they had was the courage of human beings determined to live in freedom.

Before they prevailed the Americans endured not weeks, not months, but years of hardship and struggle. The American victory at Yorktown didn't come until the fall of 1781. The Treaty of Paris, which John Adams helped negotiate and which ended the Revolution, was finally concluded in September of 1783—more than seven long, difficult years after the Declaration was signed.

From that day to this, the people of the United States have understood that the freedom that we enjoy did not come easily—and we have no intention of letting it slip away. History has called generations of Americans to defend our country and to defeat some of the gravest threats known to mankind. We have accepted that duty once again, because we know the cause is just—we understand that the hopes of the civilized world depend on us—and we are certain of the victory to come.

In this critical time I have the honor to stand beside a President who has united our nation behind great goals. For all the challenges we face, the United States of America has never been stronger than we are today—and even better days are ahead of us. President Bush and I are very grateful for the opportunity to serve our country. We thank you for your support—not just for our efforts, but for good candidates like Adam Taff, who will make a fine partner for us in the important work ahead.

Thank you very much. (Applause.)

Mr. BROWNBACK. Mr. President, I think it is important that we work off actual words and not headlines, off actual words and not interpretations, and off actual words and not feelings towards words.

That is the reason I wanted to enter into the RECORD the specific wording the Vice President used in the speech that is being commented upon a great deal by a number of Members. The headline that was out was not something that was said by the Vice President. I think it is important we get the actual words he used on Monday.

I want to also make something very clear. The Vice President did not at all challenge the patriotism of any Member of Congress—House or Senate, Republican, Democrat, or Independent. He did not challenge any of that. He didn't mention any member by name other than the one he is supporting, and who is running for the House of Representatives.

He spoke at length about Saddam Hussein, about the need for homeland

security, and about the need to move these bills forward.

There was no accusation whatsoever about any lack of patriotism on anybody's part. He is supporting, in this case in Kansas, the Third District candidate, Adam Taff, a man who is a former military man, an F-18 pilot, who fought in the gulf war the first time around, and who is running for Congress. This particular individual actually served as an F-18 pilot in the military when Vice President CHENEY was then Secretary of Defense.

Here is a person, a candidate, Adam Taff, who actually worked for the Vice President when he was Secretary of Defense, in a military capacity, and he does push forward his military credentials, as any candidate for office would push forward his credentials for office. And Adam Taff claims his military credentials. I think that is fully laudable and appropriate.

I think it is important to make clear that the Vice President didn't challenge any patriotism whatsoever and did not reference the Senate in any of his comments. Again, as I stated, I have here his actual comments that have been submitted for the RECORD.

I think there has been far too much protesting about this when what we really need to do is get homeland security passed and get an Iraqi resolution dealt with and I hope passed. I hope we can get a resolution, work together in a bipartisan fashion, and get an overwhelming majority for the Iraqi resolution. If we need to adjust words on it, I think that is fully appropriate because we need to show to the world a united front and that this distraction today is just that—a distraction.

Homeland security we should have passed some time ago. We have been on it now for 3 weeks. We have been on it primarily because of special interest issues and not because of interests for the country. I think we need to get that bill posted and cleared in this Congress. It would be an important thing for us to do. It is the time for us to get that done. We have dawdled too long on it.

But these allegations coming forward today that somehow there has been a challenge to the patriotism of other Members of this body are simply not supported by the facts. They are not supported by the facts anywhere. They are not supported by what the Vice President said in Kansas.

We clearly need to deal with the facts instead of trying to divert attention by saying there is an accusation going on which is not built upon the facts—allegations that are coming forward challenging the patriotism of people who have served in the military and in this body. Nobody is challenging that.

There is a clear challenge that we are not getting homeland security passed. We have been 3 weeks at it. There is a clear challenge that we have to get an Iraqi resolution passed before this body goes out for the election period—possibly an extended recess, or coming

back in a lame duck session, whichever actually takes place.

We really should get this bill moved forward. I think if people want to do away with these accusations, the best thing we can do is pass the homeland security bill and pass an Iraqi resolution that we work and mold together here as a body, and get that passed by an overwhelming majority in this body.

I urge my colleagues; I think it would be wise for us to lower our decibel level on this, look at the factual material, and not go after misleading headlines but actually examine the record and move forward with these two very serious pieces of business. It is important that we do that.

The Vice President has not—and I don't think in the future will—challenged anyone's patriotism. People disagree on political issues. They disagree on issues of policy. That is clear. That is why we have a body that debates these issues.

Some people view homeland security one way, and some people think we ought to support giving the President the authority to take whatever means necessary to remove Saddam Hussein. The former Vice President articulated a couple of days ago, saying no, that this is something we don't need to do and shouldn't do at this time. That is the former Vice President's opinion. Others have a different opinion on that.

But we would be wise to debate what those issues are, and the specifics, and not allege issues of character which are not being challenged by the President or by the Vice President.

I yield the floor.

#### COMMERCIAL OPERATIONS OF THE CUSTOMS SERVICE

Mr. BAUCUS. Mr. President, I am very pleased that the Senate agreed last night, by unanimous consent, to adopt an amendment that Senator GRASSLEY and I offered to the homeland security bill. Our amendment will reinforce the commercial operations of the Customs Service within the new Department of Homeland Security.

A key objective of the homeland security bill is to create coherence in law enforcement at our nation's borders. The Customs Service is vital to that endeavor. For the vast majority of people entering the United States, their first encounter with the U.S. Government is when they are cleared by a Customs officer.

The Customs Service is the principal U.S. Government agency at most ports of entry. It enforces a multitude of commercial and other laws on behalf of itself and some 40 other Federal agencies. In addition to collecting duties, fees, and taxes on imports, Customs assists the Census Bureau in collecting trade data; enforces our environmental laws by ensuring that products of endangered species are not brought into this country; protects U.S. intellectual

property owners and consumers by barring entry to counterfeit and "gray market" goods; prohibits illegal drugs and other contraband from coming into the United States; and enforces numerous other laws.

It was a Customs inspector who apprehended the so-called millennium bomber in Port Angeles, WA in December 1999. Customs also has played a major role in putting an end to the scourge of child pornography on the Internet and to fighting the war on drugs. Unquestionably, Customs is an essential player in law enforcement at our borders and, for this reason, ought to be integrated into a new Department of Homeland Security. At the same time, we must not forget that the core mission of the Customs Service is a commercial mission. Customs is first and foremost responsible for the collection of duties, taxes and fees on imports. This is one of the oldest functions of the Federal Government. It was authorized by the second act of Congress, in July 1789.

Today, duties collected by Customs constitute the second most important source of federal revenues, after the income tax. In fiscal year 2001, Customs processed over 25 million formal entries of cargo, worth over \$1 trillion. Duties, fees, and taxes on that cargo amounted to about \$20 billion. Thus, Customs' performance of its core commercial function is critical as a source of revenue to the U.S. Government. Customs' performance of its core commercial functions also is extremely important to the U.S. businesses that rely on imports and exports. The approximately 25 million formal entries that Customs processed in fiscal 2001 represented a 60 percent increase from only 5 years earlier. The volume of international trade is increasing significantly. To keep that trade flowing, Customs must perform its job with ever greater efficiency.

For these reasons, we must ensure that in moving from the Department of Treasury to a new Department of Homeland Security, Customs is able to do its commercial job as capably as it does today. I commend Chairman LIEBERMAN for recognizing this imperative and for working with the Finance Committee to secure the Commercial side of Customs within the new Department. I would like to point out that in mid-July, the Finance Committee held a very enlightening hearing on the issue of Customs' integration into a Department of Homeland Security. Following the hearing, Senator GRASSLEY and I transmitted a set of recommendations to Chairman LIEBERMAN and Ranking Member THOMPSON. I am very pleased that a number of the key recommendations are part of the pending bill. In particular: The bill preserves the Customs Service as a "distinct entity" in the new Department. The bill provides that appointments required to be made by the President, by and with the advice and consent of the Senate shall continue to be subject to

that requirement. I understand that this will include the Commissioner of Customs. The bill preserves for the Secretary of the Treasury certain legal authorities regarding "customs revenue functions." Thus, even though Customs will move to the Department of Homeland Security, the Secretary of the Treasury will remain the ultimate decision maker in issuing most commercial regulations administered by Customs. This is important, because it ensures that the national economic interest will guide the issuance of regulations affecting Customs' commercial operations.

We must bear in mind that this bill will move a commercial agency—Customs—from a Department whose primary focus is on the national economic interest, to a Department whose primary focus is on national security. The provisions I cited will help ensure that Customs' commercial mission does not get diluted in that process. The amendment accepted yesterday bolsters that objective.

The amendment contains three provisions.

First, it makes clear that certain user fees that Customs collects from passengers and conveyances entering the United States will be available for use by the Customs Service exclusively.

Second, it sets up a special account at the Treasury to support development and implementation of Customs' Automated Commercial Environment, known as "ACE." ACE is a modern computer system that will replace Customs' antiquated system for the processing of imports. Of the fees collected by Customs for processing merchandise, \$350 million per year will be deposited into the ACE account.

Third, the amendment makes clear that the Advisory Committee on Commercial Operations of the United States Customs Service—known as the "COAC"—will remain in existence following Customs' move to the new Department. The COAC was created by statute in 1987. It is a bipartisan group of 20 representatives of individuals and firms affected by commercial operations of Customs. Over the years, it has provided valuable advice to the Secretary of the Treasury. Under this amendment, it will continue to do so, and will advise the Secretary of Homeland Security as well.

I firmly believe that these provisions, along with the customs-related provisions in the underlying bill will ensure that Customs remains a strong and effective trade agency, as well as a strong and effective law enforcement agency, in the new Department.

Finally, I would like to say a word about another aspect of the Lieberman bill for which the Chairman should be commended. I am referring to the provisions protecting the rights of employees in the new Department. The most valuable resource of our government is the people who work for it. We must give every incentive for the best

and the brightest to serve and to continue serving.

I understand that the President has asked for enhancement "flexibility" in dealing with employees of the new Department. However, it is not at all clear to me that depriving federal workers of collective bargaining rights, merit systems protections, and whistle-blower protections, among other protections, is necessary to achieve improved homeland security. In fact, I believe that just the opposite is true. To improve homeland security, we need a top-notch workforce. Getting and keeping that top-notch workforce means assuring employees that they will be treated fairly and enjoy the same protections that other federal employees enjoy. I applaud Chairman Lieberman for recognizing this and embedding it in the bill.

I thank the Chair.

#### EXPLANATION OF VOTES

Mr. BAUCUS. Mr. President, I rise today to discuss my intent on four roll-call votes where I was necessarily absent due to my required presence in my home State of Montana. These votes are directly important to Montana and the Nation. I would like the opportunity to further the debate on these timely issues.

The cloture vote on Senator BYRD's amendment to the fiscal year 2003 Interior Appropriations legislation has a direct and fundamental impact on Montana for three reasons. First, the amendment reimburses the United States Forest Service for funding expended fighting fires this year. This funding is essential because of the high fire danger that still exists in the West due to the prolonged drought and funding already spent on fires cannot be used for existing USFS obligations and duties on our national forests.

Second, my good friend from West Virginia's amendment has already been modified to include the most important funding that could be dispersed this year for Montana's economy. I'm speaking, of course, about natural disaster funding for our farmers and ranchers. Montana is suffering through its fourth year of drought and conditions could not be worse. If we do not move forward with a disaster package, there will simply be fewer family farms and ranches around next year. Period. This is a debate that has gone on far too long and the House and President Bush need to come to the table and accept the work of the Senate. A natural disaster proposal has now passed the Senate twice by a large bipartisan margin. Now is the time to get this funding out to the people who need it, who need certainty about their future.

Finally, the reason that a cloture vote is required stems from the controversial nature of the pending amendment of Senator CRAIG regarding forest health. The issue of forest health is a huge problem in the West and has the most direct of conditions with not