

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

only the increased fire risk, but the drought that this legislation addresses. While the proposals vary, forest health is an issue that needs to be dealt with immediately. Further delay in the Senate does not serve Montanans or anyone in the West that is trying to make a living and a life under these conditions.

Because we need to deal with all three of these issues as soon as possible, I fully support cloture on Senator BYRD's amendment. I am disappointed that it did not pass.

With regards to the amendment proposed by my colleagues from Connecticut, Senators DODD and LIEBERMAN, I am forced to disagree with the basis of their amendment. My colleagues from Connecticut have represented their amendment as only codifying existing procedures. But, from what I understand based on the hearing held in the Indian Affairs Committee on September 18, this amendment in fact requires the implementation of new procedures, including adversarial hearings at the request of any interested party, raises the burden of proof that a petitioning group must satisfy in meeting the seven mandatory criteria, and requires the Department to provide notice to officials of every State and local government and municipality where a tribal group may have ever been historically located or any geographic area a tribal group may have ever occupied.

In my home State of Montana, the Little Shell Band of the Chippewa Indians have been battling for over a decade for their Federal recognition. They have had to jump through many hoops as it is and they have yet to receive their official recognition. My Colleague's amendment would not only prolong the Little Shell's recognition, but would only add to the burden they have already carried for over a decade. Based on the outcome of the Indian Affairs hearing and the impact on my tribe at home, I respectfully disagree with my colleagues on this matter and believe it is in the best interest of the recognition process that their amendment was rejected.

Moving on to the Homeland Security votes, I would like to address the amendment introduced by my esteemed colleague from West Virginia once again. Senator BYRD has urged that the Senate take its time to thoroughly debate and analyze the proposed legislation to create the Department of Homeland Security. He has introduced an amendment to ensure that the Congress continues to play a role in the creation of a new Federal Department of Homeland Security. I agree with the good Senator that Congress should debate and analyze this proposal, but I disagree with his proposal on how that debate should proceed.

The Byrd amendment would require that the department be established in three phases. Each phase would be initiated by a proposal sent to the Con-

gress by the President. Each proposal sent to Congress would be referred to the appropriate congressional committees. The appropriate Congressional Committees should be involved in this process. But there are no deadlines or fast track procedures for legislative consideration and no guarantee the proposals would ever emerge from Congress and be signed into law.

This amendment would force Congress to reopen every battle over which agencies should be transferred into the new Department and on what terms they would be transferred. Moreover, by dividing the development into five separate legislative proposals, this amendment makes it impossible for legislators to consider the Department as a whole.

I regret to say that I cannot support my colleague's amendment and believe it was in the Nation's best interest that the amendment was not agreed to.

Finally, ever since the devastating attacks of September 11, Americans have been asking how the attacks happened, why they weren't prevented, and what corrective measures could be taken to prevent similar tragedies from ever occurring again. The American people deserve answers to these very legitimate questions. It's important that we find out just what happened through a non-partisan commission.

The amendment introduced by Senator LIEBERMAN represents a bipartisan initiative to help answer the many remaining questions in a constructive, methodical, and nonpartisan way. I support the amendment and am pleased that it passed.

#### SALUTE TO TAIWAN'S FIRST LADY

Ms. LANDRIEU. Mr. President, I take great pleasure in welcoming Taiwan's First Lady, Wu Shu-chen, to Capitol Hill. Madam Wu Shu-chen is a unique and remarkable woman. She is the Republic of China's youngest first lady, yet she has the poise and charm equal to those much older than she is. Men and women of all political parties admire her as a genuine person, totally unaffected in manners. When she addresses an audience, she speaks from her heart and writes her own speeches in a simple and direct style. She is what you see, a natural gem, without artificial polish.

Like her husband, Chen Shui-bian, Madame Wu, has overcome a great deal of adversity. And like her husband, they have both been strengthened by their struggles. In 1985, Madame Wu was struck by a hit and run driver. Her injuries left her permanently paralyzed from the waste down and confined to a wheel-chair. Soon after Madame Wu was tragically wounded, her husband was imprisoned for political reasons. Madame Wu did not shrink from her duties to her family or her country. While her husband was in jail, she not only served as a pillar for her family, but she ran for a seat in the national

legislature and won. No obstacle affecting her body or her heart could deter her.

Such a woman deserves our praise. Madame Wu is a natural leader; a matriarch in her family; and a matriarch to her country. I salute her for her selfless devotion to the people of Taiwan. We can all take strength from Madame Wu, and she is a role model for young women everywhere.

Mr. HELMS. Mr. President, I extend my warmest welcome to the First Lady of Taiwan, Chen Wu Sue-jen, wife of President Chen Shui-bian, who is in Washington this week to visit with some of her and her husband's many friends here.

I am among the many admirers of President Chen. He is a courageous leader of his country at a very difficult time. The courage of his wife has earned for her great respect. In 1985, while supporting one of her husband's campaigns, Mrs. Chen Wu was hit by a vehicle that left her paralyzed from the waist down. That regrettable episode, believed by many to have been politically motivated, left this dear lady permanently confined to a wheelchair.

The following year when her husband was imprisoned by his political foes, Mrs. Chen Wu sought election on his behalf for a seat in the national legislature. She won and served in the legislature in spite of her serious injury. This courageous lady thereby kept Chen Shui-bian's political cause in the public eye.

Both before and after these events in their lives, Mrs. Chen Wu provided indispensable encouragement and support as Chen Shui-bian progressed from legislator to Taipei Mayor to President. He has called his wife his "most important source of strength."

First Lady Chen Wu Sue-jen was instrumental in building Taiwan's early, unequivocal and generous support for the United States and American people following the attacks on September 11, 2001. She comes to the United States this week with a message of Taiwan's continuing strong support in the war against terrorism.

I know that Senators will share my appreciation for her country's friendship and solidarity. I also hope they will join in welcoming Taiwan's First Lady on the occasion of her historic visit to the United States.

Mr. BOND. Mr. President, today I would like to recognize Madame Chen We Sue-jen, the first lady of Taiwan, and welcome her to Washington, DC.

Madame Chen We Sue-jen has displayed exemplary character and strength in her endeavors to promote justice, human rights, and democracy in Taiwan. Overcoming both personal and professional hardships with grace, she has remained steadfast in her support of these principles.

Although Madame Chen We Sue-jen has overcome obstacles throughout her public career, never has she let it overcome her. She is described as optimistic, cheerful and friendly-noted for