

policy and undermines the efficacy of both enforcement and services.

September 11th brought to light serious problems with immigration enforcement, but there are equally serious problems with immigration services. If services are divorced from enforcement, particularly in a department dedicated to security, services will continue to struggle and will inevitably, and understandably, be devalued and assigned lesser priority. To ensure that services are not 'left behind' in a security culture, it is essential that they be recognized as the other half of the immigration equation.

Coordination with Other Border Functions. Coordinating the border security functions within the Department of Homeland Security is critical, whatever the agency's configuration. That coordination is achieved by creating a Border Coordination Working Group, composed of the Secretary, the Under Secretary for Border and Transportation Security, and the Under Secretary for Immigration Affairs. The Working Group is responsible for coordinating functions necessary to secure the borders, territorial waters, ports, terminal, waterways, and air, land, and sea transportation systems of the United States.

The responsibilities of this office include:

Coordinating budget requests and allocation of appropriations, staffing requirements, communication, use of equipment, transportation, facilities and other infrastructure;

Developing and implementing policies and technologies to ensure the speedy, orderly, and efficient flow of lawful traffic, travel, and commerce and enhanced scrutiny for high risk travelers and cargo;

Monitoring, evaluating, and making improvements in the coverage and geographic distribution of border security programs and personnel;

Coordinating joint and cross-training programs for personnel performing border security functions; and

Identifying systemic problems in coordination encountered by border security agencies and programs and proposing administrative, regulatory, or statutory changes to mitigate such problems.

The Working Group also consults with representatives of other agencies or departments to enhance coordination and cooperation, curtail overlapping and duplicative functions, and reduce interagency rivalries. At the same time, experts in each of these agencies retain their authority and ability to perform their jobs at this critical time.

Treatment of Unaccompanied Minors. Unaccompanied minors deserve special treatment under our immigration laws and policies. Many of these children have been abandoned, are fleeing persecution, or are escaping abusive situations at home. These children are either sent here by adults or forced by their circumstances, and the decision to come to our country is seldom their own.

Currently, INS has responsibility for the care and custody of these children. It would not be appropriate to transfer this responsibility to a Department of Homeland Security.

Office of Refugee Resettlement. This legislation transfers responsibility for the care and custody of unaccompanied alien children who are in Federal custody (by reason of their immigration status) from INS to the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS). ORR has decades of experience working with foreign-born children, and ORR administers a specialized resettlement program for unaccompanied refugee children.

HHS coordinates comprehensive services to address the special needs of newcomer children, including placement in foster or

group home settings, medical and mental health care, skills training, education, family tracing, and legal assistance. Such services are tailored to address the cultural, linguistic, legal, and developmental needs of newcomer children and the individual needs of the child. ORR can easily integrate the care of unaccompanied alien children into its existing functions.

Responsibilities. Minimum standards for the care and custody are set forth in the legislation, as are ensuring that unaccompanied children are housed in appropriate shelters or with foster families who are able to care for them.

Specifically, ORR will be responsible for: (1) ensuring that the best interests of the child are considered in the care and placement of unaccompanied alien children; (2) making placement, release, and detention determinations; (3) implementing determinations; (4) convening the Interagency Task Force on Unaccompanied Alien Children; (5) identifying qualified persons, entities, and facilities to house unaccompanied alien children; (6) overseeing persons, entities and facilities; (7) compiling and publishing a State-by-State list of professionals or other entities qualified to contract with the Office to provide services; (8) maintaining statistical information and other data on unaccompanied alien children in the Office's custody and care; (9) collecting and compiling statistical information from the INS (or successor entity); and (10) conducting investigations and inspections of facilities and other entities where unaccompanied alien children reside. The legislation also provides children with access to appointed counsel and guardians ad litem.

Responsibility for adjudicating immigration benefits will not transfer over to HHS but will remain with the INS (or its successor) and the immigration court system.

Immigration Court System. The current immigration court system—the Executive Office for Immigration Review (EOIR), which contains the immigration courts and the Board of Immigration Appeals—is a component of the Department of Justice. The immigration court system exists not in statute, but only in regulation.

The evolution of the immigration courts reflects the importance of impartiality. Originally, the court system was entirely contained within the INS. In response to criticisms that judge and "prosecutor" should not be housed together, the immigration courts were moved to a separate component within the Justice Department—the EOIR—in 1983. Even parsed out into separate components, however, concerns remain that the immigration courts are still too closely aligned with the immigration enforcers.

Concerns about the impartiality of a court system located in a law enforcement agency are certain to be exacerbated if the court system is relocated to a security agency. If INS moves, then it is best to leave the immigration court system where it is—in the Justice Department—and thereby keep judge and enforcer well separated.

The immigration court system is critical both to law enforcement and to humanitarian protections. The immigration courts daily make decisions that could remove a criminal alien from our country, provide safe haven to an asylum-seeker fleeing torture or execution, and keep together or break up families. The immigration courts make potentially life-or-death decisions every day and are therefore too important to exist only in regulation.

We look forward to working with you on this legislation and making additional recommendations as it is considered by the full Senate.

Sincerely,

EDWARD M. KENNEDY,

Chair, Subcommittee  
on Immigration,  
Committee on the Judiciary.

SAM BROWNBACK,  
Ranking Member, Subcommittee on Immigration, Committee on the Judiciary.

#### ORDER FOR RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess from 2:30 p.m. to 3:30 p.m. today for a briefing by Secretary Rumsfeld.

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

The Senator from Tennessee.

Mr. THOMPSON. Madam President, I thank the Senator from Connecticut for the statement he has made today and for his leadership, once again, on this issue, and for his contribution toward our being here today. He speaks eloquently as to our need to do things differently with regard to this Government and with regard to the reorganization of a very important part of our Government. His analogy of gasoline and engines I think is right on point. It doesn't matter how much gasoline you put into a faulty engine, it is still a faulty engine.

We need to do better than that. There is no reason that at end of the day we can't pass a bill that is going to make this country safer than it was before, and that is our common goal.

Few need to be reminded why we are here. While September 11 was not the opening salvo, it was the event that forced us to confront the scope of the threats to our country and to recognize the need to do something significant and meaningful to address those threats.

Prior to the 1980s, most terrorist groups were regionally focused and lacked the means and the connections to operate on a global scale. They relied upon state sponsors for financial support and often fought for ideological reasons. The few exceptions were those who fought to destroy the Israeli state. During the 1980s, this trend began to change. With the increase in militant Islamic attacks against Israel, the rise of revolutionary Iran, and the formation of Mujahedin in Afghanistan, terrorism began to take a more extremist tone. Then, in 1983, a small group in Lebanon, now known as Hizballah, began using a devastating new tactic to target Western troops: suicide bombings. The United States was the first to experience the destructiveness of this form of attack. In April 1983, a suicide bomber drove a 2,000 pound truck bomb into the U.S. embassy in Beirut, killing 63. The full impact of suicide bombings, however, was not felt until 6 months later. On October 23, 1983, a lone suicide bomber drove a truck laden with explosives into the U.S. Marine Corps barracks in Beirut, killing 241 American servicemen and injuring dozens more.

Since 1983, we have experienced other terrorist attacks as well. In 1989, terrorists downed Pam Am 103, killing over two hundred; in 1993, extremists tried to destroy the World Trade Center by detonating a van laden with tens of pounds of high explosives; in 1995, Timothy McVeigh exploded a rental van outside the Oklahoma Federal Building, killing 168 people; in 1996, religious extremists blew up the Khobar Towers in Saudi Arabia, killing 19 American servicemen and injuring another 372; in 1998, extremists blew up truck bombs outside the U.S. embassies in Tanzania and Kenya, murdering 252 people, including 12 Americans, and injuring at least 5,000 more; and in 2000, extremists blew themselves up alongside the U.S.S. *Cole*, nearly sinking the ship. 17 American sailors were killed and another 39 were wounded.

The list does not include a number of planned terrorist attacks that were disrupted or prevented by U.S. or foreign intelligence, military, and law enforcement operations. It is easy to imagine, however, that this list could have been much longer.

Over the last 10 years, Congress literally held dozens of hearings on what we should do to combat terrorism. We have also had report after report highlighting the dangers of terrorism. The General Accounting Office alone has issued over 50 reports on various ways to better protect our country against terrorist attack. Several independent commissions have also recommended measures that would have addressed many of our vulnerabilities. Unfortunately, we did not implement measures because they were either costly or unpopular. We lacked both consensus and a sense of urgency.

If anything positive can be gleaned from the tragic attacks of September 11, perhaps it is the appearance of a national consensus for change. Most Americans today believe that the deficiencies in our homeland security must be corrected and are willing to bear the costs of doing so.

President Bush has personally embraced this task and employed every tool at his disposal. Some of the actions that he has taken to date include: Destroying terrorist camps in Afghanistan and helping to restore a civil government in that beleaguered land; tracking and eliminating funding sources for terrorist organizations; deploying greater intelligence resources around the world to hunt down terrorists; fostering an international consensus and forming a diplomatic coalition against terrorism and its supporters; creating the Northern Command in the Department of Defense to manage and coordinate the defense of the territory of the United States; and, doubling the "Homeland Security" budget to \$38 billion; and developing a National Homeland Security Strategy.

A critical element of the Administration's response to terrorism is the President's proposal to create a Department of Homeland Security. this

proposal is not a new idea. Seven months before September 11, the Hart-Rudman Commission released its third comprehensive report on U.S. national security. To the surprise of many, the commission proposed the creation of a new federal department to better counter the threat posed by terrorism. Unfortunately, most considered such an idea at that time to be impractical. Even after September 11, many of us were less than enthusiastic about the creation of such a department. To their credit, Senators Hart and Rudman continued to push for a department. Our colleagues, Senator LIEBERMAN and Senator SPECTER, eventually took up their cause and offered legislation that would create a Department of Homeland Security.

Over the last eleven months, the President's Office of Homeland Security has carefully examined every facet of our homeland security weaknesses, our needs, our effort, our allocation of resources. It considered numerous proposals for a homeland security organization from outside studies, commission, and members of Congress, including the Hart-Rudman proposal. The President eventually came to the conclusion that reorganization on a large scale was necessary. The President's proposal would not have been possible had the Administration not taken the time to conduct its comprehensive review.

The President's June 6 proposal was unusual in several respects. Reorganization of the executive branch on this scale has not occurred or been attempted for 55 years. The proposal would move 22 federal agencies and programs with some 170,000 employees into a single department with a total budget for fiscal year 2003 of nearly \$38 billion.

Upon receiving the President's proposal, the governmental Affairs Committee held a number of hearings and subsequently marked up a substitute amendment to S. 2452, the bill we are moving to consider. While there is broad overlap between the President's proposal and the committee's substitute amendment, there are significant differences as well. The debate will mostly focus on the differences. Before I highlight some of these areas, let me also take some time to summarize the Committee's substitute and explain the importance of some of its provisions.

As it currently stands, our country's homeland security effort is disorganized and disjointed. Many Federal agencies responsible for homeland security have many other responsibilities as well. The guiding principle of the proposals to reorganize Federal agencies into a new department of Homeland Security is the recognition that the Nation needs a reinvigorated and refocused effort on the part of these agencies. A new department will force agencies whose missions only partly involve homeland security to refocus their efforts to make homeland security their primary effort.

Both the President's proposal and the committee's substitute amendment to the Lieberman-Specter bill would enhance border security by bringing in under one roof all the agencies responsible for border control. The Border Patrol, the Customs Service, the new Transportation Security Administration, the appropriate components of the Animal and Plant Health Inspection Service, and the coast guard will all become a part of the new department, with an eye towards developing a fully integrated approach to border security operations.

On border security, I do want to point out my concern that the committee substitute keeps the components of the Immigration and Naturalization Service intact in a new Immigration Affairs Directorate of the new department. I think the Border Patrol must not only become part of the new department, but must be made a part of the Border and Transportation Security Directorate if the new Department of Homeland Security is to be as effective as we need it to be. I hope we are able to take a look at this structural issue as the debate proceeds.

The President proposed that the new department contain a component to assess the Nation's vulnerabilities to terrorism, analyze information regarding threats to our homeland, and match the threat assessments to the nation's vulnerabilities to help prioritize our homeland security efforts. The President's proposal was designed to fill a gap in the Federal Government's intelligence capabilities. While a number of agencies conduct a variety of threat assessments, and a few agencies conduct narrowly focused vulnerability assessments, no one in the federal government married the threats with the vulnerabilities to develop national policy. The committee substitute differs from the President's proposal by splitting the intelligence analysis component of the new department from the infrastructure protection component and creating two distinct organizations within the new department.

I support the establishment of an intelligence capability in the new department, but I believe the President's proposal is more sound than the Committee's approach. I will discuss this later.

Clearly, one of the greatest strengths we have to employ against potential enemies of our nation is technology. The President proposed a component of the new department to focus on weapons of mass destruction, which the President believes are not receiving adequate attention from existing agencies. Building on the President's proposal, Chairman LIEBERMAN, Senator DOMENICI, Chairman BINGAMAN, and I worked to develop a Science and Technology Directorate to develop and focus a concerted national effort, relying on resources the Federal Government has already deployed, primarily the National Laboratories and their partnerships, that will develop new technologies to combat terrorist threats.

Thus far, the department that both the President and the Committee propose focuses its efforts on prevention, on before-the-fact counter-terrorism activities. The proposals go further, however, by bringing in as part of the new department the responsibilities for consequence management, for the after-the-fact efforts. The main component of this aspect of the proposals is the inclusion of the Federal Emergency Management Agency in the new Department of Homeland Security.

By bringing together the management of the prevention responsibilities and the consequence management responsibilities, we hope to eliminate bureaucratic impediments and unify diverse bureaucracies, improve coordination, find and exploit appropriate synergies, and strengthen the Federal Government's entire homeland security effort.

We must be realistic about this reorganization. It is mammoth. It will take years of exacting effort to get it done. Congress may be called upon again to legislate changes to the new department. Let us not forget that many believe that the Defense Department was not fully realized until 1986, almost 40 years after its creation, when Congress enacted the Goldwater-Nickles Act.

When the President first proposed this massive homeland security reorganization, I did some research into the mergers of private companies. My staff and I have consulted with management and merger experts in the private sector and in academia. I regret that their analysis of the prospect for success was largely pessimistic. Many private sector mergers fail. The problems are obvious: blending corporate cultures and product lines is not a simple task. Chief executive officers who have been through mergers that were smaller and much less complicated than this one give us only about a 20 or 30 percent chance of success. These odds are not promising. It makes me wonder what we need to do to improve those odds. The transition period will be particularly difficult. In some ways, it will be like an elephant on roller skates attempting to learn to juggle.

The proposed reorganization will be greatly complicated by the fact that several of the agencies being transferred currently are themselves dysfunctional from a management standpoint. A lack of coordination, improper payments, waste, missing equipment, human capital shortcomings, and program inefficiencies are all serious problems confronting the Federal Government at large. These problems will piggy-back their way into the new department with the incoming component agencies and will limit its effectiveness unless we address them here.

The management challenges facing this Department are in many respects a reflection of the Federal Government as a whole. For years, the Governmental Affairs Committee has had parades of witnesses and reports telling us that the executive branch and Con-

gress must together do a better job of managing the taxpayers' money. Simply put, we are a government that cannot pass an audit.

Last year, the Government Affairs Committee released a report titled "Government at the Brink," that highlighted some of the waste, fraud, and mismanagement that pervades our Federal Government. Unfortunately, this new department is inheriting a number of agencies that were the focus of that report. The Immigration and Naturalization Service lacks sufficient staff resources to perform intelligence functions; the Customs Service cannot rely on its data systems to determine where the workload is heaviest and therefore where to assign its employees; the Federal Emergency Management Agency, FEMA, faces significant problems in managing its grants, and the list goes on and on.

These are not partisan problems. They developed and have existed in both Republican and Democratic administrations. They have flourished when Democrats controlled both Houses of Congress, when Republicans controlled both Houses of Congress, when Republicans controlled both Houses of Congress, and when there was split control of Congress.

While we cannot cure these government-wide problems in this bill, we must recognize them, learn from our experience with them, and try to avoid these problems in the future as we create this new Department.

The current management paradigms for the Government that try to address these problems are largely the creation of the post-World War II expansion of the executive branch. They are largely premised on a command-and-control approach to management. These paradigms are out of date for the modern, largely white-collar, technological workforce needed by the Federal Government to meet the challenges of the 21st century. The current management structure throughout the executive branch puts no premium on accountability. Managers find it difficult to reward good performers, and even more difficult to sanction poor performers. Efforts by employees and managers to find new ways to meeting agency missions are rebuffed, often by political appointees who have only short-term goals in mind. These appointees rarely see the value of major management reforms whose benefits may not accrue to the agency and its leaders for years to come and long after they are gone.

For a number of years, both the legislative and executive branches have been promoting performance-based management. The primary legislative reform to promote a new emphasis on results is the Government Performance and Results Act—we call it the Results Act—which was enacted by a Democratic Congress during a Democratic administration. President Bush and his staff at the Office of Management and Budget have made great efforts to make performance-based management

a reality throughout the executive branch. The President has developed a management agenda that, when fully implemented, will force agency managers to focus more closely on the results they are achieving with the resources Congress and the taxpayers provide to them.

Congress, which started the revolution toward performance-based managing in Government, should encourage the executive branch to continue to increase its emphasis on managing for results. We should be a partner with the President in encouraging new management techniques and giving Federal managers the tools they need and the flexibility they require to accomplish the missions we assign to them. In return, we must demand greater accountability from the President and those he appoints to manage Federal agencies.

Even with this emphasis by both branches of Government on better management, the results are mixed at best. Each year, the GAO continues to place the same agencies and the same Departments on its list of entities that are at high risk for waste, fraud, and mismanagement, demonstrating how deep and seemingly intractable this problem is—which brings us to our present consideration: We simply must give this new department and this new Secretary the management tools with which to carry out this new massive and vitally important job.

The sheer volume of people, property, and assets involved in the new department is overwhelming. Coupled with our expectations that this new department will be the cure that will strengthen our domestic security, I fear that we are setting ourselves up for failure if we do not provide the new Secretary with the flexibility to manage the department properly.

By maintaining the status quo, not only will the Secretary be required to pay the same salary to two counterterrorism experts with vastly different performance and ability levels, we are also prohibiting the Secretary from accessing a single cent of the unexpended funds from agencies that are transferred to the new department to assist in the transition. Instead, the Secretary must appeal to Congress to enact enabling legislation each and every time the Secretary of the new department needs some flexibility to reorganize or get this department up and running successfully.

Supporters of the legislation before us disagree. They argue that the Secretary does not need additional managerial tools or flexibility to take on this monumental task. It is true that flexibility is not needed to set up another Federal bureaucracy that resembles the rest of Government. Flexibility is not needed to replicate the problems that pervade our Government in terms of Federal workforce management, financial management, information technology management, and program overlap and duplication. Managerial tools and flexibility are not needed

to create another Federal Department that ranks at the top of the General Accounting Office's "high-risk" list of agencies in the Government that are most vulnerable to waste, fraud, and mismanagement. Managerial tools and flexibility are not needed to create a civil service, that, according to one expert, Paul Light, of the Brookings Institution, and former staff member to the Governmental Affairs Committee:

Underwhelms at virtually every task it undertakes. It is sluggish at hiring, hyper-inflated at appraising, permissive at promoting, weak-kneed at disciplining, and mind-numbingly elongated at firing.

Our goal in this new department must not be to replicate the failures Mr. Light outlines, but, rather, to make improvements. If we cannot improve our well-known operational shortcomings now that our Nation's security is at issue, when in the world will we ever be able to do so?

According to the legislation before us today, the mission of the new department is to "promote homeland security," "prevent terrorist attacks," and "reduce the vulnerability of the United States to terrorism." I question how this new department will possibly be able to fulfill its mission if it is bogged down by the same old persistent management problems that have faced the rest of our Government for so many years.

First and foremost, I think most of us would agree with Paul Light, and other experts, that the Federal civil service system, the process the Federal Government uses to hire and promote workers, is broken.

Madam President, this is a logical stopping point for me. If I am reading the clock correctly, we are very close to the time of recess for our briefing. So, with that, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 3:30 p.m.

Thereupon, the Senate, at 2:28 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

#### HOMELAND SECURITY ACT OF 2002—Continued

AMENDMENT NO. 4486 TO AMENDMENT NO. 4471

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 4486.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the Secretary of Homeland Security from contracting with any corporate expatriate)

After section 171, insert the following:

#### SEC. \_\_\_\_ PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b).

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) RULES FOR APPLICATION OF SUBSECTION (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) EXPANDED AFFILIATED GROUP.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(3) FOREIGN INCORPORATED ENTITY.—The term "foreign incorporated entity" means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) OTHER DEFINITIONS.—The terms "person", "domestic", and "foreign" have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I have 5 minutes, without losing my place in the debate, as in morning business.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered. The Senator is recognized for 5 minutes. Following his statement, he will have the floor.

(The remarks of Mr. WELLSTONE are printed in today's RECORD under "Morning Business.")

Mr. WELLSTONE. Mr. President, I rise to speak to a very simple amendment I introduced. I say to my colleagues, this actually was passed in the House in the homeland defense bill. It certainly is relevant that we bar the Secretary of Homeland Security from entering into contracts with U.S. companies that give up U.S. citizenship to avoid U.S. taxes.

I need to really summarize this amendment again. This is a very simple amendment that would bar the Secretary of Homeland Security from entering into contracts with U.S. companies that give up U.S. citizenship to avoid U.S. taxes.

To about 99.9 percent of people in Minnesota and probably to about 99.9 percent of the people in the country, this is a very reasonable proposition. My colleagues might remember that I had an amendment like this to the Defense appropriations bill which passed here by unanimous vote.

Before I get into the specifics of my amendment, let me make a quick comment about the relevancy of the amendment. I gather there is an agreement among the majority leader and the minority leader to move all nonrelevant amendments. That agreement won't affect this amendment because it was drafted to be relevant. It deals with government contracts. It deals with the Department of Homeland Security.

The underlying House bill, as I just mentioned, has a similar provision. So the substance of my amendment is