

the speech were “nonsense” and accused skeptics of trying to “politicize this issue by rewriting history.” At the same time, the White House tried to redirect the debate onto the overall danger posed by Saddam’s chemical and biological weapons—uranium or not—and onto Bush’s resolve in acting to confront that threat.

On July 17, 2003, McClellan cautioned that Senator DURBIN—and possibly other Democrats—were “lying about the little things” related to CIA Director George Tenet’s testimony before the Senate Intelligence Committee. The “little thing” was whether Tenet has named names of these responsible at the White House.

Although I refused to disclose any names mentioned by the CIA Director, I will say this: I stand by my statement.

Let me explain for a moment the issue at hand. We have made it clear that Director Tenet would appear before the Intelligence Committee. That was public knowledge. The fact is that Director Tenet sat at the committee table in the Senate Intelligence Committee with several people from his agency. What he said, of course, was given to the members of committee. Questions from members of the committee were directed to appropriate members of the staff, and he would indicate which member might give an answer to a question.

I took great care in commenting about his testimony to limit any reference to anyone in the room, specifically to Director Tenet, so that I would not even disclose the names of the CIA employees who were in the room. Perhaps I was over cautious. But that caution on my part was then used against me by the White House. Because when we asked Director Tenet pointblank who was the White House staffer responsible for the State of the Union Address—in fact, it has now been publicly disclosed by the CIA and others—he turned to Alan Foley, an assistant who worked on the speech, and Allen Foley gave the name to the committee with a nod by Director Tenet. So my caution and care not to even disclose the name of Alan Foley who sat at the table with the CIA Director was turned and used against me by the White House, saying that I was lying to the American public as to whether Director Tenet disclosed the name.

The fact is, Director Tenet was testifying. He turned to Mr. Foley, his assistant, who said the name. Whether Director Tenet repeated the name, only the record of the hearing can reflect. But what I was establishing was the fact that the identity of the person involved was disclosed during Director Tenet’s testimony. I stand by that.

On July 18, on Friday, the White House press staff began leaking word that one of the leading White House opponents, Senator DURBIN of Illinois, had released classified material regarding names of those involved in the controversy and the number of suspected

WMD sites in Iraq. As a result, the White House said some Senators were contemplating having me, Senator DURBIN, removed from the Intelligence Committee.

Our office pointed out to reporters that no classified material had been released by this Senator. I had refused to name the White House staffer or characterize specific witness testimony. And the number of suspected Iraqi WMD sites, 550, which I disclosed on the Senate floor, had been declassified this year in June. It is public information.

The White House, when they were confronted with the fact that their accusations against me were not true said, they would “Look into that.”

After attacking my honesty and integrity and suggesting I be removed from the Senate Intelligence Committee, they were unable to produce any evidence of the disclosure of classified information. I have gone to great lengths to avoid that, and I will continue.

Then on July 18, that same day, the White House took the rare step of declassifying and releasing eight pages of a 90-page top secret national intelligence estimate that was used to write the questioned portions of the State of the Union Address. Instead of putting a lid on the controversy, the document showed prewar divisions within the U.S. intelligence community that were glossed over by administration spokesmen. The State Department, for instance, termed the reports that Saddam Hussein was shopping for uranium in Africa as “highly dubious.”

That is the chronology. It is an important chapter in our political history. It is an important chapter in the history of the collection and use of intelligence here in the United States.

I am glad the Senate Intelligence Committee will continue its investigation. It is my understanding the chairman and ranking Democrat have said they will call White House staffers before the committee to ask what led up to this situation and why we are in the position we are today.

I can recall times in the past when the Intelligence Committee and its members had been challenged as to whether they disclosed classified information and called on to take polygraphs for fear they may have said something that was top secret and should not be public knowledge. I understand the concern of the administration. That should be the concern of every American. We have to take care not to disclose classified information.

But I have to ask the obvious question: How can this administration declassify things, drop certain items into the press that are complimentary and positive from their point of view and get away with it and not be held to the same standard as members of the committee? When we are in a situation where we are given a body of information and draw a conclusion from that but cannot speak to that publicly,

while the administration discretely drops into the public domain information they think is helpful to their side of the case, that is a one-sided argument. It does not serve this Nation well, and the administration is pushing the envelope when they do it.

I am glad the Senate Intelligence Committee is going forward. There is a lot more we need to do. I will say to my colleagues in the Senate, please do not back off from our responsibility. We have a responsibility to the people who elect us and to the American people at large to hold this administration—indeed, every administration—accountable for honesty and accuracy when they speak to the American people, particularly in areas of the discussion of intelligence information which could lead to military action which could, in fact, endanger the lives of Americans and their families. That is our most serious and sacred duty. We should not back off of it because of threats from the White House or efforts by the White House to silence us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, before Senator DURBIN leaves the floor, I want to say that the concerns he has raised are serious and grave. They deserve serious attention, not just of this body but of the people in this country. I thank him for bringing them to us today and join him in voicing the gravity of the situation. The kind of actions he has described, if they are true, should not be permitted. They should not be countenanced.

(The remarks of Mr. CARPER pertaining to the introduction of S. 1443 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER (Mr. ENZI). The Senator from Iowa.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that morning business be extended for 7 minutes.

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

WELFARE REFORM

Mr. GRASSLEY. Mr. President, I rise to speak on another subject, but I think it is appropriate for me to respond to the Senator from Delaware only in a general way, not to the specific points he made.

I do take very seriously his efforts at what we call welfare reform, moving people from welfare to work, because not only as Governor did he demonstrate leadership in that area, but in the short time I have served with him in the Senate, he has talked with me frequently about various aspects of welfare, and I know he has been working with others on his side of the aisle, as well as Republicans.

I hope to be able to give fair consideration to the propositions about which he has spoken this morning.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1440 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of H.R. 2555, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

(The committee-reported amendment, in the nature of substitute, which was omitted from the RECORD of Monday, July 21, 2003, is as follows:)

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 2555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:

【TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

【DEPARTMENTAL ADMINISTRATION

【SALARIES AND EXPENSES

【For necessary expenses for management and operations of the Department of Homeland Security \$221,493,000; of which not to exceed \$78,975,000 shall be for the Office of the Secretary and Executive Management; of which not to exceed \$116,139,000 shall be for the Office of the Under Secretary for Management; of which not to exceed \$8,106,000 shall be for the Immediate Office of the Under Secretary for Border and Transportation Security; of which not to exceed \$10,044,000 shall be for the Immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and the Command Center; of which not to exceed \$3,293,000 shall be for the Immediate Office of the Under Secretary for Emergency Preparedness and Response; and of which not to exceed \$4,936,000 shall be for the Immediate Office of the Under Secretary for Science and Technology: *Provided*, That not to exceed \$2,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of Homeland Security: *Provided further*, That not to exceed \$40,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine.

【COUNTERTERRORISM FUND

【For necessary expenses, as determined by the Secretary of Homeland Security,

\$20,000,000, to remain available until expended, to reimburse any Federal agency for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: *Provided*, That the Secretary shall notify the Committees on Appropriations 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

【DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

【For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the Land Mobile Radio legacy systems, \$206,000,000, to remain available until expended: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology system and the Automated Commercial Environment.

【OFFICE OF THE INSPECTOR GENERAL

【SALARIES AND EXPENSES

【(INCLUDING TRANSFER OF FUNDS)

【For necessary expenses for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$58,118,000; of which not to exceed \$1,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated under the direction of the Inspector General of the Department of Homeland Security: *Provided*, That in addition, \$22,000,000 shall be derived by transfer from the Emergency Preparedness and Response Disaster Relief Fund.

【TITLE II—BORDER AND TRANSPORTATION SECURITY

【CUSTOMS AND BORDER PROTECTION

【BUREAU OF CUSTOMS AND BORDER PROTECTION

【SALARIES AND EXPENSES

【(INCLUDING TRANSFER OF FUNDS)

【For necessary expenses of the Bureau of Customs and Border Protection for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, including planning, construction, and necessary related activities of buildings and facilities, \$4,584,600,000; of which not to exceed \$25,000 shall be for official reception and representation expenses; of which not to exceed \$129,000,000 to remain available until September 30, 2005, shall be for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13021(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; and of which not to exceed \$5,000,000 shall be for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: *Provided*, That none of the funds available to the Directorate of Border and Transportation Security may be used to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2004, except that the Commissioner of Customs and Border Protection may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That uniforms may be purchased without regard to the general purchase price

limitation for the current fiscal year: *Provided further*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: *Provided further*, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every 7 days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

【In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103-182, and notwithstanding section 1511(e)(1) of Public Law 107-296, \$3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with this account.

【AUTOMATION MODERNIZATION

【For expenses not otherwise provided for Bureau of Customs and Border Protection automated systems, \$493,727,000, to remain available until expended, of which not less than \$318,690,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Bureau of Customs and Border Protection prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the Bureau of Customs and Border Protection's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Customs and Border Protection Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

【IMMIGRATION AND CUSTOMS ENFORCEMENT

【BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

【SALARIES AND EXPENSES

【For necessary expenses of the Bureau of Immigration and Customs Enforcement for enforcement of immigration and customs laws, detention and removals, investigations, including planning, construction, and necessary related activities of buildings and facilities, \$2,030,000,000; of which not to exceed \$5,000,000, to remain available until expended, shall be for conducting special operations pursuant to Public Law 99-570 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not less than \$100,000 shall be for promotion of public awareness of the child pornography tipline; and of which not less than \$200,000 shall be for Project Alert: *Provided*, That none of the funds available to the Bureau of Immigration and Customs Enforcement may be used to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2004, except that the Assistant Secretary of the Bureau of Immigration and Customs Enforcement may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount of funds made available for activities to enforce laws against forced child