

In many places in Iraq today, it is too dangerous to go out even with guards. The streets are so dangerous that some parents are apparently keeping their children home from school, afraid they will be kidnapped, or worse, along the way.

The State Department does not attempt to conceal the truth about the danger, at least in its travel warnings. Its September 17 advisory states that Iraq remains very dangerous.

At the end of August, a bloody 3-week battle in Najaf ended with an agreement that U.S. troops would give up the city. Fallujah and now other cities are no-go zones for our troops, presumably to avoid even greater casualties, until after the election.

Those are not the only areas where we have lost control. Last Friday, Secretary Powell said:

We don't have government control, or government control is inadequate, in Samarra, Ramadi, Erbil and a number of other places.

We continue to use so-called precision bombing in Iraq, even though our bombs cannot tell whether it is terrorists or innocent families inside the buildings they destroy.

What is helping to unite so many Iraqi people in hatred of America is this emerging sense that America is unwilling, not just unable, to rebuild their shattered country and provide for their basic needs. Far from sharing President Bush's unrealistic rosy view, they see close up that their hopes for peace and stability are receding every day.

Inevitably, more and more Iraqis believe that attacks on American forces are acceptable, even if they would not resort to violence themselves. For every mistake we make, for every innocent Iraqi child we accidentally kill in another bombing raid, the ranks of the insurgents climb, and so does their fanatical determination to stop at nothing to drive us out.

An Army reservist described the deteriorating situation this way:

For every guerrilla we kill with a smart bomb, we kill many more innocent civilians and create rage and anger in the Iraqi community. This rage and anger translates into more recruits for the terrorists and less support for us.

The Iraqi people's anger is also fueled by the persistent blackouts, the power shortages, the lack of electricity, the destroyed infrastructure, the relentless violence, the massive lack of jobs and basic necessities and services.

By any reasonable standard, our policy is failing in Iraq. The President should level with the American people. He should take off his rose-colored glasses, understand the truth, and tell the truth. The American people and our soldiers in Iraq deserve answers to the questions they have about the war: Will President Bush come to the Presidential debate tomorrow prepared to answer the hard questions? Will he admit that we are on a catastrophic path in Iraq? Will he admit that we rushed to a \$200 billion war with no

plan to win the peace? Will he offer a concrete plan to correct our course?

We are steadily losing ground in the war. No amount of campaign spin can obscure those facts. We have to do better. November 2 is our chance. This President had his chance in Iraq. We deserve a new call, and I believe we will have it on November 2.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Arizona has 14 minutes 15 seconds.

IRAQ

Mr. KYL. Mr. President, I am going to respond to my colleague from Massachusetts. He has made a pretty vicious attack, I would say, on the President of the United States, contending that he has not leveled with the American people, that he has to begin telling the truth about what is going on in Iraq. These are very serious charges, and I would like to try to respond to them.

The Senator from Massachusetts began by a recitation of why, in his view, "the outlook is so bleak," to use his quotation, and why he concluded that "we're losing the war," another quotation from the Senator.

I see in the Senator's remarks, and others that I have heard recently, a steely determination to keep hopelessness alive. I do not think that should be the policy of the United States. The President has a much better vision about how to bring the war against militant Islam to a conclusion.

There were no constructive alternatives, as my colleagues will recall, from the comments of the Senator from Massachusetts. There were no ideas about how we could do better. It was just an attack on the President and an assertion that we are losing the war, the implications of which were left hanging.

When he said the President has this attitude of shooting first and asking questions later, then perhaps we need to recall that we have already been attacked. We did not shoot first. We were attacked viciously on 9/11 and it changed everything about our approach to the war against militant Islam.

Secondly, when the Senator from Massachusetts accuses the President of painting a rosy picture and then refers to the National Intelligence Estimate that predicted some pretty dire consequences, he forgets two things. First, President Bush has said repeatedly from the very beginning that this would be a very long and difficult conflict. He has never wavered from that. In fact, he has tried to inspire the American people to continue to persevere in this war.

One does not inspire people by wringing their hands and talking about how we are losing the war. Think about what kind of a message that sends to the troops and to the families who are sacrificing, to a mom who gets notice that her young son has been killed in

Iraq: We are losing the war. It is hopeless. The outlook is bleak.

Well, what are we fighting for? What kind of a message does it send to our allies, who some people say they could convince to come into this conflict, we are losing the war, now please come in? That is not exactly going to persuade them to come into the conflict.

Finally, and most importantly, what kind of a message does it send to the enemy to suggest that they are winning and we are losing? Major political figures in this country argue that we are losing the war. It gives confidence to the enemies. That is exactly what they want to hear. Osama bin Laden has said we are the weak horse and he is the strong horse. If we convey that message to him, we increase the possibility that he will continue to think he can win and that he will continue to engage in this fight.

We need to break his will. He is testing our will and comments such as this are not helpful to challenging the American people to continue to persevere in this contest.

The question is about the American will, and I do not think the comments we heard from the Senator from Massachusetts are going to be effective in helping to sustain that will. I rather think the approach that Winston Churchill took in World War II accentuating the positive, yes, but not ignoring the negative and challenging the British people and the people of the Allies to persevere in that war is the right approach, and that is what President Bush has tried to do.

The Senator from Massachusetts has confused a couple of issues. First, he confuses violence in Iraq with less security at home. I do not think we are less secure at home because there is violence in Iraq. In fact, one of the reasons we have not been attacked at home for over 3 years is because we have taken the fight to the enemy and we have largely been successful. We have not lost a battle in this war.

There are battles yet to be fought, and the enemy attacks us with guerilla tactics, but we can persevere and win militarily. So I do not think we should confuse the fact that there is violence in Iraq and therefore conclude we are less secure at home. That is simply not true.

Secondly, the Senator from Massachusetts alleges that there was no relationship, no connection, between the terrorists and the Saddam Hussein regime. I want to try to debunk this myth right now, so let me quote from the CIA, from the 9/11 Commission, and from George Tenet's assessment since we are going to be quoting the National Intelligence Estimate. This is what the head of the CIA, George Tenet, said:

Our understanding of the relationship between Iraq and al-Qaida is evolving and is based on sources of varying reliability. Some of the information we have received comes from detainees, including some of high rank.

We have solid reporting of senior level contacts between Iraq and al-Qaida going back a decade.

No relationship? According to the CIA, not true.

Continuing to quote:

Credible information indicates that Iraq and al-Qaida have discussed safe haven and reciprocal nonaggression.

Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of al-Qaida members, including some that have been in Baghdad.

We have credible reporting that al-Qaida leaders sought contacts in Iraq who could help them acquire WMD capabilities. The reporting also stated that Iraq has provided training to al-Qaida members in the areas of poisons and gases and making conventional bombs.

Iraq's increasing support to extremist Palestinians, coupled with growing indications of a relationship with al-Qaida, suggest that Baghdad's links to terrorists will increase, even absent U.S. military action.

No relationship? No contacts? No connection? Read the intelligence reports.

What did the 9/11 Commission say? Quoting from Thomas Kean, cochair of the 9/11 Commission:

There was no question in our minds that there was a relationship between Iraq and Al Qaeda.

Let us get the facts straight. If we are going to come to the Senate floor and charge the President of the United States with misinforming the American people, we need not misinform them ourselves.

Quoting further from the 9/11 Commission report:

With the Sudanese regime acting as an intermediary, Bin Ladin himself met with senior Iraqi intelligence officers in Khartoum in late 1994 or early 1995. Bin Ladin is said to have asked for space to establish training camps, as well as assistance in procuring weapons, but there is no evidence that Iraq responded to this request. . . . [but] the ensuing years saw additional efforts to establish connections.

That is from page 61 of the report. From page 66:

In March 1998, after Bin Ladin's public fatwa against the United States, two Al Qaeda members reportedly went to Iraq to meet with Iraqi intelligence. In July, an Iraqi delegation traveled to Afghanistan to meet first with the Taliban and then with Bin Ladin. Sources reported that one, or perhaps both, of these meetings was apparently arranged through Bin Ladin's Egyptian deputy, Zawahir, who had ties of his own to the Iraqis.

From page 66:

Similar meetings between Iraqi officials and Bin Ladin or his aides may have occurred in 1999 during a period of some reported strains with the Taliban. According to the reporting, Iraqi officials offered Bin Ladin a safe haven in Iraq. Bin Ladin declined, apparently judging that his circumstance in Afghanistan remained more favorable than the Iraqi alternative. The reports describe friendly contacts and indicates some common themes in both sides' hatred of the United States. But to date we have seen no evidence that these or the earlier contacts ever developed into a collaborative operational relationship. . . .

That is the critical distinction. We have to be careful of our language, especially when we are accusing the President of the United States of mis-

leading the American people. Our language matters. The President never alleged an operational link or that Saddam Hussein helped to plan the 9/11 attack on the United States, but there is plenty of evidence of connections between bin Laden, al-Qaida, other terrorists and Iraq and Saddam Hussein.

The Intelligence Committee report in July of this year reported:

[F]rom 1996 to 2003, the Iraqi Intelligence Service "focused its terrorist activities on Western interests, particularly against the U.S. and Israel.

They go on to quote the letter from George Tenet that I quoted before.

[A]ccording to a CIA report called Iraqi Support for Terrorism, "the general pattern that emerges is one of al Qaeda's enduring interest in acquiring chemical, biological, radiological and nuclear (CBRN) expertise from Iraq."

This is exactly what Senator MCCAIN talked about a few weeks ago, what the President has talked about, what the Vice President has talked about, our concern of this relationship that would some day, if we did not act against Iraq, blossom into fullblooded support, full-blown support from Iraq to al-Qaida.

Finally:

[T]he Iraqi regime "certainly" had knowledge that Abu Musab al Zarqawi—described in Iraqi Support for Terrorism as "a senior al Qaeda terrorist planner"—was operating in Baghdad and northern Iraq.

I ask unanimous consent that a New York Times article of June 25, 2004, which further makes this point, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 25, 2004]

IRAQIS, SEEKING FOES OF SAUDIS, CONTACTED BIN LADEN, FILE SAYS
(By Thom Shanker)

Contacts between Iraqi intelligence agents and Osama bin Laden when he was in Sudan in the mid 1990's were part of a broad effort by Baghdad to work with organizations opposing the Saudi ruling family, according to a newly disclosed document obtained by the Americans in Iraq.

American officials described the document as an internal report by the Iraqi intelligence service detailing efforts to seek co-operation with several Saudi opposition groups, including Mr. bin Laden's organization, before Al Qaeda had become a full-fledged terrorist organization. He was based in Sudan from 1992 to 1996, when that country forced him to leave and he took refuge in Afghanistan.

The document states that Iraq agreed to rebroadcast anti-Saudi propaganda, and that a request from Mr. bin Laden to begin joint operations against foreign forces in Saudi Arabia went unanswered. There is no further indication of collaboration.

Last week, the independent commission investigating the Sept. 11 attacks addressed the known contacts between Iraq and Al Qaeda, which have been cited by the White House as evidence of a close relationship between the two.

The commission concluded that the contacts had not demonstrated "a collaborative relationship" between Iraq and Al Qaeda. The Bush administration responded that there was considerable evidence of ties.

The new document, which appears to have circulated only since April, was provided to The New York Times several weeks ago, before the commission's report was released. Since obtaining the document, The Times has interviewed several military, intelligence and United States government officials in Washington and Baghdad to determine that the government considered it authentic.

The Americans confirmed that they had obtained the document from the Iraqi National Congress, as part of a trove that the group gathered after the fall of Saddam Hussein's government last year. The Defense Intelligence Agency paid the Iraqi National Congress for documents and other information until recently, when the group and its leader, Ahmad Chalabi, fell out of favor in Washington.

Some of the intelligence provided by the group is now wholly discredited, although officials have called some of the documents it helped to obtain useful.

A translation of the new Iraqi document was reviewed by a Pentagon working group in the spring, officials said. It included senior analysts from the military's Joint Staff, the Defense Intelligence Agency and a joint intelligence task force that specialized in counterterrorism issues, they said.

The task force concluded that the document "appeared authentic," and that it "corroborates and expands on previous reporting" about contacts between Iraqi intelligence and Mr. bin Laden in Sudan, according to the task force's analysis.

It is not known whether some on the task force held dissenting opinions about the document's veracity.

At the time of the contacts described in the Iraqi document, Mr. bin Laden was little known beyond the world of national security experts. It is now thought that his associates bombed a hotel in Yemen used by American troops bound for Somalia in 1992. Intelligence officials also believe he played a role in training Somali fighters who battled Army Rangers and Special Operations forces in Mogadishu during the "Black Hawk Down" battle of 1993.

Iraq during that period was struggling with its defeat by American-led forces in the Persian Gulf war of 1991, when American troops used Saudi Arabia as the base for expelling Iraqi invaders from Kuwait.

The document details a time before any of the spectacular anti-American terrorist strikes attributed to Al Qaeda: the two American Embassy bombings in East Africa in 1998, the strike on the destroyer Cole in Yemeni waters in 2000, and the Sept. 11 attacks.

The document, which asserts that Mr. bin Laden "was approached by our side," states that Mr. bin Laden previously "had some reservations about being labeled an Iraqi operative," but was now willing to meet in Sudan, and that "presidential approval" was granted to the Iraqi security service to proceed.

At the meeting, Mr. bin Laden requested that sermons of an anti-Saudi cleric be rebroadcast in Iraq. That request, the document states, was approved by Baghdad.

Mr. bin Laden "also requested joint operations against foreign forces" based in Saudi Arabia, where the American presence has been a rallying cry for Islamic militants who oppose American troops in the land of the Muslim pilgrimage sites of Mecca and Medina.

But the document contains no statement of response by the Iraqi leadership under Mr. Hussein to the request for joint operations, and there is no indication of discussions about attacks on the United States or the use of unconventional weapons.

The document is of interest to American officials as a detailed, if limited, snapshot of communications between Iraqi intelligence and Mr. bin Laden, but this view ends with Mr. bin Laden's departure from Sudan. At that point, Iraqi intelligence officers began "seeking other channels through which to handle the relationship, in light of his current location," the document states.

Members of the Pentagon task force that reviewed the document said it described no formal alliance being reached between Mr. bin Laden and Iraqi intelligence. The Iraqi document itself states that "cooperation between the two organizations should be allowed to develop freely through discussion and agreement."

The heated public debate over links between Mr. bin Laden and the Hussein government fall basically into three categories: the extent of communications and contacts between the two, the level of actual cooperation, and any specific collaboration in the Sept. 11 attacks.

The document provides evidence of communications between Mr. bin Laden and Iraqi intelligence, similar to that described in the Sept. 11 staff report released last week.

"Bin Laden also explored possible cooperation with Iraq during his time in Sudan, despite his opposition to Hussein's secular regime," the Sept. 11 commission report stated.

The Sudanese government, the commission report added, "arranged for contacts between Iraq and Al Qaeda."

"A senior Iraqi intelligence officer reportedly made three visits to Sudan," it said, "finally meeting bin Laden in 1994. Bin Laden is said to have requested space to establish training camps, as well as assistance in procuring weapons, but Iraq apparently never responded."

The Sept. 11 commission statement said there were reports of further contacts with Iraqi intelligence in Afghanistan after Mr. bin Laden's departure from Sudan, "but they do not appear to have resulted in a collaborative relationship," it added.

After the Sept. 11 commission released its staff reports last week, President Bush and Vice President Dick Cheney said they remained convinced that Mr. Hussein's government had a long history of ties to Al Qaeda.

"This administration never said that the 9/11 attacks were orchestrated between Saddam and Al Qaeda," Mr. Bush said. "We did say there were numerous contacts between Saddam Hussein and Al Qaeda. For example, Iraqi intelligence officers met with bin Laden, the head of Al Qaeda, in the Sudan. There's numerous contacts between the two."

It is not clear whether the commission knew of this document. After its report was released, Mr. Cheney said he might have been privy to more information than the commission had; it is not known whether any further information has changed hands.

A spokesman for the Sept. 11 commission declined to say whether it had seen the Iraqi document, saying its policy was not to discuss its sources.

The Iraqi document states that Mr. bin Laden's organization in Sudan was called "The Advice and Reform Commission." The Iraqis were cued to make their approach to Mr. bin Laden in 1994 after a Sudanese official visited Uday Hussein, the leader's son, as well as the director of Iraqi intelligence, and indicated that Mr. bin Laden was willing to meet in Sudan.

A former director of operations for Iraqi intelligence Directorate 4 met with Mr. bin Laden on Feb. 19 1995, the document states.

Mr. KYL. I note, concluding with this point, that Abdul Yasim and Abu Nidal

were harbored in Iraq. The Taliban did not directly involve itself in 9/11 or have weapons of mass destruction either, but it harbored people like this and that is one reason we went after the Taliban and Saddam Hussein's regime in Iraq.

With regard to the connections between Iraq and al-Qaida, the case is very clear that they were there and the President stands correct, and I hope the Senator from Massachusetts would stand corrected.

Finally, as to the suggestion that Iraq was a diversion from succeeding in Afghanistan, that we have not finished the job there, we were very successful in defeating the Taliban and killing a lot of al-Qaida and capturing a lot of al-Qaida in Afghanistan, and in establishing a regime there which will be holding elections. Karzai made it very clear when he came to this country and expressed his appreciation, just as did Prime Minister Allawi of Iraq, to American forces for helping to provide the Afghanis with enough freedom to control their own future. I think there is confusion that the only al-Qaida are on the border between Afghan and Pakistan, and since we have not captured every single one of them, including Osama bin Laden, therefore our activities in Iraq are responsible for this fact. There has been no evidence of that. As a matter of fact, our military commanders make the point it is not true, that Iraq was not a diversion from anything we had to do in Afghanistan where we were very effective and successful.

To those who convey this sense of panic, that all is going bad, the opposite of that is not those of us who support the President's policy saying everything is rosy. I do not know that anybody has ever used that phrase. If they have, I would like to see it. The President has said repeatedly that this is a long and difficult war and it is going to require a great deal of perseverance and commitment by the American people. But as contrasted by those who create the sense of panic, the President has a vision and the President's commanders have a strategy. When I saw General Abizaid on television last Sunday, he didn't paint a rosy picture. He painted a very realistic assessment. But he also portrayed a calm confidence that if we can persevere we can prevail.

That is what he asked of the American people, to allow the military commanders as well as the Commander in Chief to carry out the vision to defeat the militant Islamic terrorists wherever they are. As I said, they are not only in Afghanistan; they are all over the world including primarily in the Middle East. That is why this war has many fronts. It is not just Afghanistan. We fought simultaneously to try to gain support from Pakistan, Saudi Arabia, the Libyan regime, and from Syria. We did what we did in Afghanistan. We have done what we have done in Iraq. There are still some places to

go, but we have also been in Yemen and Sudan, and so on.

The bottom line here is you can't isolate one place in the world and say we have to do that first and win every possible goal there before we can do anything else anywhere else. The President has made it clear that by going to one of the chief sources of terrorism, namely Iraq, we can help to win this war.

The fact that there was such a connection between the terrorists—between al-Qaida and the Iraqi regime—is I think validated by the fact that they have been able to so successfully continue to attack Americans and American forces in Iraq.

Let's consider that the military commanders just might know what they are talking about, No. 1. No. 2, it does no good to wring our hands and paint a picture of panic. Realistic assessments, absolutely; truth to the American people, absolutely; but leadership that presents a vision and a strategy for winning the wider war on terrorism, that is what the President has provided. That is why I am very proud to support President Bush's efforts in this regard.³

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

NATIONAL INTELLIGENCE REFORM ACT OF 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2845, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the U.S. Government, and for other purposes.

Pending:

Wyden Amendment No. 3704, to establish an Independent National Security Classification Board in the executive branch.

Collins Amendment No. 3705, to provide for homeland security grant coordination and simplification.

Specter Amendment No. 3706, to provide the National Intelligence Director with the authority to supervise, direct, and control all elements of the intelligence community performing national intelligence missions.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, the debate now will resume on the amendment offered by the Senator from Pennsylvania. As discussed last night, we have an informal agreement that Senator ROBERTS would be recognized for—is it 25 minutes, I ask Senator ROBERTS?

Mr. ROBERTS. I thought the agreement was 30.

Mr. REID. Mr. President, I could not hear the Senator from Maine. She said there had been an order that the Senator be recognized?

Ms. COLLINS. Mr. President, if I can respond to the Democratic leader's inquiry, there was an informal discussion