

all of that. The truth is, for those who do not want things to happen, they have an inordinate amount of time that they can make everybody waste without doing anything. At least in this bill, for instance, if there is an infested forest—and I do not know anyone that does not have one around—they are ugly, they burn like tinder, and at least in this bill that would be handled very expeditiously.

People wonder why that is not the case right now. In a few months, why can't there be a contract to cut those trees down? Well, those kind of things are getting fixed in this bill.

I am grateful to have these few minutes. I am thankful that this bill went to the Agriculture Committee. The staff did most of the work, and I am very grateful the outsiders came in and helped. I do not want to fail to mention, on the Republican side, the distinguished Senator from Arizona, JOHN MCCAIN, who was not on the committee of jurisdiction, also came with his competent staff. They presented their views and some of the bill was adjusted their way.

So I say to the leadership, I hope when some Senators come and say let's delay this bill, let's not take it up, I hope they would ask, what is this about? When are we going to do it? When are we going to stop destroying our forests or at least do some positive things that we all know are right?

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Under the order, how much time remains on this side?

The PRESIDING OFFICER. There is no time remaining.

Mr. REID. I yield the remaining time on this side to the Senator from North Dakota, Mr. CONRAD.

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized.

OSAMA BIN LADEN AND SEPTEMBER 11

Mr. CONRAD. Mr. President, over the weekend, Osama bin Laden was again seen vowing that al-Qaida would launch suicide attacks against Americans and our allies. Frankly, it angered me to see these taped reports that again Osama bin Laden is threatening Americans.

It has now been 771 days since al-Qaida launched terrorist attacks on American targets on September 11, 2001. For me, this report raised the question of why is Osama bin Laden still able to threaten this country? Why have we not been able to find him and bring him to account?

I was reminded, in seeing these tapes, that just several weeks ago Newsweek magazine did a detailed analysis on where Osama bin Laden might be. They narrowed it down to Kunar province on the border between Afghanistan and Pakistan. They had detailed reports in that article of Osama bin Laden being seen in this area.

It struck me at the time, if we have a pretty good idea of where Osama bin Laden is, why are we not flooding that area with American forces to take him out? Newsweek went on to report that:

... bin Laden appears to be not only alive, but thriving. And with America distracted in Iraq and Pakistani President Pervez Musharraf leery of stirring up an Islamist backlash, there is no large-scale military force currently pursuing the chief culprit in the 9/11 attacks, U.S. officials concede.

I find that alarming. Osama bin Laden led the attacks on this country. We know that. There is no doubt about it. If we are being distracted by Iraq, in my view, that is a serious mistake. I must say it is one that I very much feared one year ago when we were considering whether to attack Iraq. I voted against attacking Iraq at that time because I believed our top priority ought to be going after al-Qaida and Osama bin Laden.

There has just recently been a report in the Boston Globe that says: As the hunt for Saddam Hussein grows more urgent, and the guerilla war in Iraq shows no signs of abating, the Bush administration is continuing to shift highly specialized intelligence officers from the hunt for Osama bin Laden in Afghanistan to the Iraq crisis.

I believe that is the wrong priority. I believe the priority ought to be al-Qaida and Osama bin Laden, and we ought to be going into this area that has been identified in seeking to find him and holding him to account.

When I reflect on the decision to go into Iraq, I am reminded that many in the public believe that Iraqis were part of the 9/11 operation. In fact, 69 percent of the American people believe Saddam was involved in the September 11 attacks. Half of Americans believe that Iraqis were among the 9/11 hijackers.

We know that is not the case. There were no Iraqis, none, zero, involved in the 19 who hijacked the planes in our country that turned them into flying bombs that attacked the World Trade Center and the Pentagon. Of the 19 hijackers, 15 were from Saudi Arabia, two were from the United Arab Emirates, one was from Egypt, and one was from Lebanon. Not a single one was from Iraq. Yet even now many Americans believe it was in fact Iraqis who attacked this country. In fact, more Americans believe most of the hijackers were Iraqis—21 percent—than the 17 percent who correctly stated none of the hijackers was Iraqi.

We are making decisions here, and the American people are supporting decisions, and apparently they do not have the accurate information.

Unfortunately, it is not hard to figure out why. In speech after speech, the President and his top officials have juxtaposed 9/11 with Saddam and Iraq, strongly implying there is a clear and direct link between Saddam and 9/11. To take only one of dozens of examples, as recently as last month Vice President CHENEY again linked 9/11 with Iraq, describing Iraq as the geographic

base of the terrorists who have had us under assault for many years, but most especially on 9/11.

This is the Vice President of the United States suggesting that Iraq was at the center of the attack on America on 9/11.

The President himself was forced to correct the record just a few days later, when he said we have had no evidence Saddam Hussein was involved on September 11; no evidence.

The record is overwhelmingly clear. We know who attacked us on September 11. It was not Iraq. There were no Iraqis. The people who attacked us on September 11 were al-Qaida, led by Osama bin Laden. In 770 days, we have not yet held him to account. That has to be our priority.

The President and his top officials have sought to link Saddam not just with 9/11 specifically but with al-Qaida more generally. They have cited three pieces of evidence to back that claim.

First, the administration stated that one of the 9/11 hijackers, Mohamed Atta, met with an Iraqi agent in Prague in the spring of 2001. For example, last year the Vice President asserted:

We have reporting that places him [Atta] in Prague with a senior Iraqi intelligence officer a few months before the attacks on the World Trade Center.

That is what the Vice President said then. But what do we know now? The fact is, the CIA and FBI have concluded this report was simply not accurate because Mohammed Atta was in this country, in Virginia Beach, VA, at the time the Vice President had asserted he was in Prague. As the Washington Post reported on September 29:

In making the case for war against Iraq, Vice President Cheney has continued to suggest that an Iraqi intelligence agent met with a September 11, 2001, hijacker months before the attacks, even as the story was falling apart under scrutiny by the FBI, the CIA, and the foreign government that first made the allegation.

Second, the administration has argued a senior al-Qaida operative, Al-Zarqawi, was seen in Baghdad. He may very well have been in Baghdad, but that doesn't prove anything about a formal link between Iraq and al-Qaida. We know senior operatives spent months in our own country prior to 9/11. That doesn't make the United States an ally of al-Qaida any more than the presence of an al-Qaida operative in Baghdad makes Saddam Hussein an ally of Al-Qaida.

Third, the administration said al-Qaida maintained a training camp in northern Iraq. Again, this sounds convincing, but as the former director of the Strategic Proliferation and Military Affairs Office at the State Department's intelligence bureau points out, one finds this is not a very honest explanation: "... I mean, you had terrorist activity described that was taking place in Iraq, without the mention that it was taking place in an area under the control of the Kurds rather

than an area under the control of Saddam Hussein."

On this map, this is the camp they were talking about. This is the Ansar al-Islam area. There was a terrorist camp here.

This is a map of Iraq that shows very clearly that is an area controlled by the Kurds. The Kurds are our allies. This is an area that was not under the control of Saddam Hussein.

If the American people are going to make sound judgments about who is responsible for what, and who we ought to hold responsible, and who we ought to prioritize for attack, it seems very clear to me the ones we ought to be attacking are al-Qaida. The ones we ought to be going after first and foremost are Osama bin Laden and his allies. Over and over, I believe the American people have been led to believe there is this strong link between al-Qaida and Saddam Hussein. I do not think the facts bear out that connection.

The President himself has now said Saddam Hussein has not been linked to September 11. Yet the majority of the American people believe that he was. That mistaken understanding is right at the core of what has been to me a serious mistake in the strategy in fighting this war on terror. Our first priority, our top priority, one we should not be distracted from, is going after Osama bin Laden and al-Qaida. I don't think we should be distracted, chasing the mirage of terrorism being fundamentally a product of Iraq. I don't think the record bears that out.

If there is not a strong connection between Iraq and al-Qaida, why have we repeatedly had that linkage made? I think there has been very little credible evidence of a direct connection between al-Qaida and Saddam Hussein. As a former State Department intelligence official said in the same Front Line interview:

His [Secretary Powell's] own intelligence officials and virtually everyone else in the terrorist community said there is no significant connection between al-Qaida and Saddam Hussein.

If there is not a strong connection, why have we heard so many references linking the two? That is a question we all need to ask and try to answer.

In addition to the link to al-Qaida, the President and his administration have also repeatedly indicated that Iraq had weapons of mass destruction. First the President suggested over and over there were close links between Saddam and al-Qaida, implying Saddam had something to do with the September 11 terrorist attack on this country. We now see that is a very weak case.

Is there better evidence to substantiate the second set of claims used to justify war with Iraq, that Saddam Hussein was about to acquire nuclear weapons, and was producing chemical and biological weapons, all of which could be used for an imminent attack against the United States?

First, on nuclear weapons, the President and top officials repeatedly warned of Saddam's efforts to acquire weapons of mass destruction. They buttressed these general claims with two very specific assertions. First, the President and his top officials said there was direct evidence of Saddam Hussein trying to buy uranium in Africa. In his State of the Union Address last January, President Bush told Congress and the American people:

The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

That is what the President said then. But what do we know now? We now know that the CIA knew, months before the State of the Union Address, and months before the war on Iraq started, the allegation was simply not accurate; it was based on a crude forgery that did not pass the credibility test for CIA experts. Here is just one news story, "Bush Claim on Iraq Had Flawed Origin, White House Says."

The White House acknowledged for the first time today that President Bush was relying on incomplete and perhaps inaccurate information from American intelligence agencies when he declared in his State of the Union speech that Saddam Hussein had tried to purchase uranium from Africa.

Second, the President and his aides have repeatedly asserted Iraq had tried to purchase aluminum tubes that could be used to enrich uranium for nuclear weapons.

The President said:

Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes, suitable for nuclear weapons production.

That's what the President said then.

But what do we know now?

The International Atomic Energy Agency's director concluded this spring, before the war on Iraq started, that the tubes were for conventional artillery rockets. As the Washington Post reported:

ElBaradei rejected a key Bush administration claim made twice by the President in major speeches and repeated by the Secretary of State that Iraq had tried to purchase high-strength aluminum tubes to use in centrifuges for uranium enrichment. . . . El Baradei's report yesterday all but ruled out the use of the tubes in a nuclear program. . . . "It was highly unlikely Iraq could have achieved the considerable redesign needed to use them in a centrifuge program," ElBaradei said.

But the Bush administration did not stop with these specifics. It repeatedly asserted there was an imminent danger of Saddam acquiring and using nuclear weapons.

In a speech 1 year ago, President Bush said:

The evidence indicates that Iraq is reconstituting its nuclear weapons program.

The Vice President last March went even further, stating that "we believe he has in fact reconstituted nuclear weapons."

That is what they said then. But what do we know now? We have occupied Iraq for 5 months. We have full,

unrestricted access to the whole country and more than 1,000 investigators looking for illegal weapons. The Bush administration's chief investigator leading the search for weapons of mass destruction has found no evidence of any serious recent effort to build nuclear weapons. I think this quote from the October 3 Washington Post sums up the most recent finding:

After searching for nearly six months, U.S. forces and CIA experts have determined that Iraq's nuclear program was only in the very most rudimentary state, the Bush Administration's chief investigator formally told Congress yesterday.

On nuclear weapons, specific allegations underlying the administration's claims had certainly been discredited before we went to war, and since the war we have found no evidence to support the more general claims of Iraqi efforts to reconstitute its nuclear weapons program.

What about chemical and biological weapons?

We all knew Iraq had possessed and had used chemical weapons in the 1980s. We all knew intelligence had not conclusively demonstrated that all of these weapons had been destroyed. In fact, I must say I believed Iraq was likely to have chemical and biological weapons because we knew they did at one point. The United Nations investigators found them. But those weapons have not been found since. We have searched high and low for biological and chemical weapons. We may still find them. I think we have to ask ourselves, would that have justified a preemptive attack on Iraq? My own judgment is it would not. Why? The Soviet Union had weapons of mass destruction; we never launched a preemptive attack on them. China has weapons of mass destruction; we never launched a preemptive attack on them. You can go through country after country where we have decided to use containment rather than military assault.

The President told us the Iraqi regime possesses and produces chemical and biological weapons. I believe he believed that, and there was reason to believe that. I don't diminish that argument. But the fact is we were wrong, or at least so far it appears we were wrong. I must say I believed—and I say it again—I believed they had chemical and biological weapons. But after searching for nearly 6 months, U.S. forces and the CIA experts have found no chemical or biological weapons in Iraq. We still may find them.

That still leaves us with the question: Did their mere possession of such weapons justify a preemptive attack? What did our own CIA tell us? I remember those briefings, elements of which have been made public. I am not revealing any secrets. The CIA told us there was a low likelihood of an Iraqi attack on us or our allies unless we attacked them first.

The point is simply this: We have not found biological and chemical weapons. We have not found evidence of a reconstituted nuclear program. We have not

found any serious links between al-Qaida and Iraq. Those were the fundamental reasons we went to war with Iraq. I believe it was a mistake to attack Iraq at the time we did. I believe it was a priority that simply did not make sense given the threat to this country.

The imminent threat to this country is in the form of al-Qaida. The imminent threat to this country is the forces led by Osama bin Laden. It has now been 771 days since they attacked this country. Newsweek magazine reports they have a pretty good idea where Osama bin Laden is—right on the border between Pakistan and Afghanistan. Yet there is no large-scale military operation underway to take out Osama bin Laden. I think the American people deserve to know why not. Why not? Why aren't we launching massive forces into the area identified as the place where Osama bin Laden is hiding? Have we been distracted by Iraq? I hope not. But the evidence I see is that the resources and the attention, which I believe should have been first directed at taking out Osama bin Laden and al-Qaida, are going to Iraq.

I very much hope we will have answers to these questions in the coming days.

The Senator in the Chair, whom I count as a friend in this body, is the chairman of the Intelligence Committee. Obviously he has knowledge none of the rest of us possess. As one Senator, I saw Osama bin Laden on these tapes again over the weekend and read the stories in the news magazines that said we have a pretty good idea where Osama bin Laden is. But we have not found him, leading to the suggestion that we have been distracted by Iraq. That disturbs me a great deal. I believe the overriding priority for this country and the national security of America is in holding Osama bin Laden to account, finding him, and stopping him.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Mr. CONRAD. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Utah.

Mr. HATCH. Mr. President, I have heard a lot of speeches on the Senate floor about Osama bin Laden, about Iran, Iraq, and the Middle East. As a member of the Senate Intelligence Committee, I can only talk briefly about this matter, but I think it is important to note I was probably the first Member of Congress—at least to my knowledge and I believe anybody's knowledge—to mention the Clinton administration had better get on top of Osama bin Laden, or he is going to kill Americans. At one particular point in that period of time between that statement and when President Clinton left office, there was one time they could have captured Osama bin Laden, and he would have been turned over to them. They blew it, not realizing how important this matter was.

As a matter of fact, we now know he is behind terrorist activities all over the world, especially in our country and especially in the Middle East. We have had more than ample unclassified information, and person after person, group after group has tried to infiltrate our country to cause terrorist activities within this country, in each case tied back to Osama bin Laden.

We also know he has escaped Afghanistan and with the help of certain friends probably is residing somewhere in northeastern Pakistan but no one really knows. To make a long story short, we do not just have the right to go into northeastern Pakistan and conduct a major warfare search for Osama bin Laden without the permission of the Pakistanis. Everyone knows that. That relationship is a very important relationship.

We also know Osama bin Laden is not just dedicated against the United States of America but against anyone that stands for freedom. Particularly, he is against his own fellow Arabs in Saudi Arabia and other parts of the Middle East. It is apparent that many claims are made that some of the terrorism that happens in the Middle East is caused by al-Qaida, inspired by none other than Osama bin Laden. There is also no question that there have been ties to Saddam Hussein.

But be that as it may, anyone who tries to make out the case that we should not be in Iraq is ignoring decades of facts. Anyone who tries to pin the Iraqi matter strictly on whether or not Osama bin Laden had weapons of mass destruction is ignoring an awful lot of matters that indicate that if the United States did not act, it would be only a matter of time until it would be too late to act and there would be many thousands of others killed, networks set up, deterioration throughout the Middle East, which is, as a whole, strictly important to the United States of America, as well as other countries in the world.

I get a little tired of hearing people in the Senate criticizing President Bush for stopping these people for letting it be known throughout the world that we will not put up with acts of terrorism, that we will hit them where it hurts for doing what has been done in Iraq. Anyone with any brains has to realize there are so many facts there you do not even need weapons of mass destruction today to show what we have done there has placed a huge dent in terrorism around the globe and has rocked Osama bin Laden back on his heels. Yes, he is still capable of making an occasional television announcement. He is still capable of acting like he is more important than he is. But the fact is, we have put a big dent in his terrorist operations around the world.

That is not to say we should not stay vigilant, that we should not do everything in our power to make sure that terrorism is fought not just in our land but all around the world. One has to

look pretty far to look beyond the terrorist incidents of Saddam Hussein, his sons, and the Baathists in Iraq. All that is important in the Middle East as well as in other parts of the world. I will not take time to go through the fact that 10 years ago, the U.N. even verified he has the capacity to make weapons of mass destruction, was making weapons of mass destruction, used them against his own people, et cetera, et cetera.

It seems strange to me we have to go through this every day, with people lambasting the President, who literally has stood up the way he should stand up, ignoring the fact that many in the country of Iraq are thrilled we are there, bringing peace and stability, decency, honor, freedom, education, health care, infrastructure, and other matters to benefit that nation. Naturally, those who love terrorism, those who love hatred, are not going to like him. Instead of condemning the President for crass political reasons at that, we ought to be thanking him for having the guts to stand up and to take these actions that have long been overdue.

I have a lot more to say, but I let it go at that today. It is demoralizing to me to see a lack of support by some on the other side for what has been necessary for foreign affairs action. It used to be that offshore we supported whoever was President. I guess that was because most of the time the President was a Democrat. I guess it is different when there is a Republican President. All we have had are attempts to undermine everything President Bush is trying to do with probably the best foreign policy team I have seen in my 27 years in the Senate, composed of people who complement each other, who have cross-currents of belief, who basically come behind the President and support what is being done in ways that I don't think any other group of people could have done, certainly not as well as they have done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLASS ACTION FAIRNESS ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 2:35 having arrived, the Senate will resume consideration of the motion to proceed to the consideration of S. 1751, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to consideration of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes of class members and defendants, and for other purposes.

Mr. HATCH. Mr. President, I note that Senator CORNYN is here. I ask unanimous consent he be permitted to