

## ORDER FOR ADJOURNMENT

Mr. KYL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Members of the other side of the aisle as under the earlier order.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I express my appreciation to my friend, the Senator from Arizona, for the dignified manner in which the debate was conducted today. We feel that certainly it has been fair. I now ask unanimous consent that on the Democratic side there be 5 minutes for Senator REID from Nevada, 15 minutes for Senator LEVIN, 30 minutes for Senator REED of Rhode Island, 30 minutes for Senator GRAHAM of Florida, and 20 minutes for Senator DAYTON.

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

## CAMPAIGNING ON THE ISSUES

Mr. REID. Mr. President, there has been some conversation today about statements made by people running for President on the Democratic side. Today, we had the person who appears to be the frontrunner for the nomination at this time, Senator KERRY of Massachusetts, who came and spoke before the Senate. He did an extremely good job of articulating his feelings of the legislation pending before the Senate. At the same time, he also outlined in a very brief fashion those things he thought were wrong, in his view, as far as what was going on in America today.

I want the majority to know as the election proceeds toward November, we in the Senate are going to do everything within our power to protect our nominee. By that I mean anything that is said outside this Capitol or inside this Capitol that reflects upon our nominee we are going to be on this floor defending him.

We believe the issues are on our side, that they favor us, and we want this campaign to be on the issues.

What has transpired during this Presidential primary season has been extremely important and good for the American people because the Democratic candidates running for President have been able to place their views on the record, and the American people have accepted what they have said about what is wrong with this country.

There have been debates—I do not know the number of them but a significant number of debates—where the American people have been able to hear how those seeking the Democratic nomination feel about our country. I want again to say whoever our nomi-

nee is, that person is going to get all the protection that is needed in the Senate. There will be nothing said that is negative toward our candidate that will not be responded to.

We feel we have had a primary season conducted with dignity and we are going to do everything we can to make sure the final months of this campaign are conducted with dignity as far as the Democratic nominee is concerned.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

## IRAQ INTELLIGENCE

Mr. LEVIN. Mr. President, the question of whether or not the intelligence was flawed which was used so forcefully by the administration prior to going to war as the reason for going to war is a question which is going to consume the time of this body and a number of our committees for some time to come. It is a critically important question as to whether or not the intelligence was flawed, not just in terms of the accountability—which is so important if mistakes were made, if exaggerations were undertaken in order to advance the decision to go to war—but also in terms of the future security of this Nation.

This country went to war, we were told, because Iraq had weapons of mass destruction. That was the reason that was given over and over again by the administration. Whether or not there were other reasons, and there surely were, for that decision, which could be argued as a basis for the decision, the facts are that the American people were told it was the presence in Iraq of weapons of mass destruction which was the basis for attacking that country.

When a decision is made to go to war based on intelligence, it is a fateful decision. It has ramifications and impacts way beyond the current months and years. If the intelligence is as flawed as this intelligence was, we should find out why.

Whether people are glad we went to war or are not glad we went to war, whether history will prove we should have waited until we had greater support through the United Nations in order to avoid the kind of aftermath which we have seen, or not—we don't know what history is going to show in that regard—but regardless of the arguments back and forth as to the timing of it, the way in which it was handled, the failure to galvanize the international community so we had a broad array of countries with us, including Muslim nations so we would not be there as a Western occupying power with other Western nations after the military success; whether or not there was adequate planning for the aftermath, and I think it is obvious that there was not adequate planning, but regardless of what position one takes on all of those issues, it is incumbent upon us to find out how in Heaven's name the intelligence could be so far off.

How could we have 120 top suspect sites for the presence of weapons of mass destruction that were high-level to medium-level sites, where there was confidence that there were weapons of mass destruction either being stored or produced, and we batted zero for 120? How could we be so far off?

How is it possible that the CIA could tell us, as they did in their assessments, that there were chemical weapons and biological weapons and that a nuclear program was being undertaken again when, in fact, that apparently is not the case? How is it possible that intelligence can be as flawed as is this intelligence?

Again, regardless of what the arguments are on any side or any issue, I don't think any of us should be in the position of arguing that it is irrelevant to the future security of this Nation whether or not the intelligence upon which the decision to go to war was based is important. It is critically important.

Does North Korea have nuclear weapons or doesn't it have nuclear weapons? Should we put some credibility in the intelligence community's assessment of that? Where is Iran along the continuum of obtaining nuclear weapons? What are their intentions? Should we put confidence in the intelligence community's assessment of that?

Whether or not we place confidence or make decisions based upon the intelligence community's assessment is critically important. The lives of young men and women, perhaps the life of this Nation, could be dependent upon intelligence which is being assessed by the intelligence community. Life and death decisions are being made by the President of the United States based on decisions and assessments and appraisals of the intelligence community. When it is as wildly off as this intelligence community's assessments apparently were, then it seems to me we better find out for the future health of this country, not just in terms of trying to assess the accountability for past assessments.

Something happened to the intelligence after 9/11. The pre-2002 intelligence assessments relative to nuclear programs and biological programs and chemical programs were different from the October 2002 National Intelligence Estimate. Some of this has been set forth in the Carnegie Endowment's recent report. There are so many examples of where the intelligence shifted on these critical issues after 9/11.

A few examples: On the reconstitution of the nuclear program after 1998, the pre-2002 intelligence assessment was that Iraq had probably not continued their research and development program relative to reconstituting a nuclear program after 1998. Yet in October 2002, the intelligence community said, yes, it has restarted its nuclear program after the United Nations left in 1998. What happened between the pre-2002 intelligence assessment and the post-9/11 assessment?

What about enriching uranium for use in nuclear weapons? Prior to 2002, the assessment was that Baghdad may be attempting to acquire materials that could be used to reconstitute a nuclear weapons program. But after 9/11, in the October 2002 National Intelligence Estimate, we have, yes, Iraq has imported aluminum tubes and high-strength magnets. The Department of Energy's disagreement with this conclusion was set forth, but the assessment of the intelligence community shifted after 9/11.

Whether they attempted to purchase uranium from abroad, the same kind of shift in the intelligence assessment, there were no reports mentioning any attempts to acquire uranium prior to that 2002 assessment, but in 2002, October, suddenly the National Intelligence Assessment says Iraq has been trying to procure uranium ore and yellow cake. Again, disagreement from the Department of State, but that was the assessment of the intelligence community, and on and on. We have this kind of change that occurred in the intelligence assessments.

What is the explanation for that? What happened? There is no evidence, as the President has mentioned; there is no evidence that Saddam Hussein was part of the attack of 9/11, so what happened that caused the intelligence community to shift its assessment of chemical, biological, and nuclear programs after the 9/11 attack on us? That is something which we must find out.

We must make a determination—hopefully someday there will be an outside commission which will make a comprehensive review of this whole matter—but, in any event, we must do the best we can through the Intelligence Committee.

I am making an effort, the Armed Services Committee, my staff, to look into these issues, particularly as they relate to the question of how intelligence affected the operations and the planning relative to our military effort in Iraq.

But we must make that decision. We have an obligation. This is not a partisan issue and it makes no difference to me whether this assessment is finished before the election or after the election. It must be made for the health of this Nation, as to how our intelligence community, No. 1, could be so totally wrong relative to the presence of weapons of mass destruction on Iraqi soil immediately prior to the war; and, No. 2, how and why did the intelligence community shift its assessments so significantly after 9/11 from the assessments that occurred before 9/11?

There is another aspect of this which relates to the way in which intelligence was used or exaggerated by the policymakers. Here we have another issue—an issue which is going to be looked at by the Intelligence Committee at least as far as the use of the intelligence is concerned up to the point where the war began. There are

some recent statements that I think also require explanation.

I have tried a number of times to find out how the Vice President could have, about a month ago, made a statement relative to the vans that were found in Iraq, that those vans were part of a mobile biological weapons program. For the life of me, I do not understand how the Vice President can make that statement when Dr. Kay who has looked at the van has said that there is a consensus in the intelligence community—and I am now reading from Dr. Kay's answer to my question in the Armed Services Committee—that the consensus opinion is that those two trailers were not intended for the production of biological weapons.

How is it that the Vice President of the United States at about the same time that statement was made before the Armed Services Committee by the chief weapons inspector—that some trailers which were found in Iraq are unrelated to a biological weapons program—would say the opposite in a very public forum? What is the basis for the Vice President's statement? I tried to find out. In fact, I wrote the Vice President the other day asking him: What is the basis for your statement?

We should know. The American people should know when the Vice President says something as significant as that, that these particular vans which we have now gotten in our possession are, in fact, biological weapons laboratories. In fact, what the Vice President said on January 22 on NPR was:

I would deem that—

Here he is referring to those two vans—conclusive evidence that Saddam did in fact have programs for weapons of mass destruction.

Again, this is so totally opposite from what our chief weapons inspector has decided and said the consensus opinion is—that surely the American public is entitled to an explanation from the Vice President.

What is the basis for his statement of January 22 on national radio? What is the basis, Mr. Vice President, for your statement? The American public is entitled to know that. This is not some assistant secretary of some agency sitting in the bowels of the Pentagon or the bowels of some other building. This is the Vice President of the United States who is saying on national radio that we believe, in fact, that those semitrailers were part of the biological weapons program, that they were biological weapons vans. There is no explanation forthcoming, just sort of silence from the Office of the Vice President. We are entitled to more than that.

One possibility which the CIA's Director suggested when I asked him the question was that, well, maybe the Vice President was using old information when he said that. If the Vice President of the United States is making statements of significance based on old information, first, it seems to me

he ought to say so and then say, Too bad that happened, I will make sure it doesn't happen again.

But it is also kind of discouraging, if that is true. There are daily briefings which I assume he is a part of—at least weekly briefings on these critical issues. We have a chief weapons inspector who says those vans, according to the consensus opinion, are not part of and were not part of the production of biological weapons.

But what all this is part of is kind of what is going to be phase 2 of the Intelligence Committee's investigation which is the use of intelligence by the policymakers. Here the statements of our top leadership go beyond the intelligence in a number of ways. They are much more certain than the intelligence communities' assessments were.

For instance, the Vice President, on August 2002, said the following:

There is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends and against our allies and against us.

We have this additional aspect which is now being looked into by the Intelligence Committee and again by my staff on the Armed Services Committee as to how the administration could take the intelligence that was given and then turn those less certain findings into certainties.

Our friend from Arizona, Senator KYL, made the point earlier tonight that there is a lot of uncertainty in intelligence, and he surely is right. But wow. It sure doesn't sound that way coming from the administration prior to the war.

Vice President CHENEY told Tim Russert: We know with absolute certainty that Saddam is using his procurement system to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon.

Secretary of State Colin Powell—and this will be my last comment—said at the U.N.: There can be no doubt that Saddam Hussein has biological weapons.

The list of these statements where there is no doubt and there is absolute certainty that the administration says exists about these programs goes beyond what the intelligence communities' assessments were. It is those statements of absolute certainty which, it seems to me, require an explanation as to what was the basis of those statements of absolute certainty and there being no doubt, particularly in light of the fact Senator KYL pointed out that intelligence is, indeed, very uncertain and should be treated that way.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized for 30 minutes.