

2003 [Hatch, Chambliss, Cornyn, Feinstein, Graham, Grassley, Schumer]; S. Res. 310. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers [Campbell, Hatch, Leahy]; H. Con. Res. 328. Recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month; S. 2270. No Oil Producing and Exporting Cartels (NOPEC) Act of 2004 [DeWine, Durbin, Feingold, Grassley, Kohl, Leahy, Schumer, Specter]; S. 2107. A bill to authorize an annual appropriations of \$10,000,000 for mental health courts through fiscal year 2009 [DeWine, Leahy]; S. 2192. Cooperative Research and Technology Enhancement (CREATE) Act of 2004 [Hatch, Feingold, Leahy]; H.R. 1561. United States Patent and Trademark Fee Modernization Act of 2004; S. 1933. Enhancing Federal Obscenity Reporting and Copyright Enforcement (ENFORCE) Act of 2003 [Hatch, Cornyn, Feinstein]; S. 2237. Protecting Intellectual Rights Against Theft and Expropriation (PIRATE) Act of 2004 [Leahy, Hatch]; and S. 1932. Artists' Rights and Theft Prevention (ART) Act of 2003 [Cornyn, Feinstein, Graham, Hatch].

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 22, 2004, at 2:30 p.m. to hold a closed business meeting.

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

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet for a hearing on Parents Raising Children: The Workplace during the session of the Senate on April 22, 2004, at 10 a.m.

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

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet conduct a hearing on "State and Local Authority To Enforce Immigration Law: Evaluating a unified approach for stopping terrorists" on Thursday, April 22, 2004, at 2:30 p.m. in SD226

Witness List:

Panel I: Professor Kris W. Kobach, Former Counsel to the Attorney General, Professor of Law, University of Missouri-Kansas City School of Law, Kansas City, MO; E.J. Picolo, Regional Director, Florida Department of Law Enforcement, Ft. Myers, FL; Michelle

Malkin, Journalist and Author of Invasion, Bethesda, MD; and David A. Harris, Balk Professor of Law and Values, University of Toledo College of Law, Toledo, OH.

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

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent for a legislative fellow, Erik Winchester, to be granted the privilege of the floor throughout today.

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

Mr. KYL. Mr. President, I ask unanimous consent that Tom Stack and Kevin Patrick Wilson be granted the privilege of the floor during the course of debate on S. 2329.

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

INTERNET TAX
NONDISCRIMINATION ACT

Mr. FRIST. Mr. President, as I have announced on several occasions, we intend to begin consideration of the Internet tax access legislation next week. To review for a moment, the bill was reported by the Commerce Committee on September 29 of last year and the Finance Committee on October 29. The Senate began consideration of the bill on November 6 of last year.

Since that time, there have been many discussions as to how to best proceed through this issue. I understand Members have been continuing their efforts to find a solution, but it is time to come forward and debate the underlying issue. It would be my hope to begin consideration of the bill on Monday, and Senators could offer their amendments and the Senate could then work its will on the moratorium.

I understand some of my colleagues desire to delay this bill, but I would respectfully say it is now time to start the process and begin the debate.

Having said that, at this point I would have asked consent that at 1 p.m. on Monday, April 26, the Senate proceed to the consideration of Calendar No. 353, S. 150, a bill relating to taxes on Internet access. Given the objections from Members on both sides of the aisle, I will withhold that request.

CLOTURE MOTION

I now move to proceed to the consideration of S. 150. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 353, S. 150, a bill to make permanent a moratorium on taxes on Internet access and multiple and

discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

Bill Frist, George Allen, Jon Kyl, Orrin Hatch, James Inhofe, Elizabeth Dole, Larry Craig, John Ensign, Gordon Smith, Mitch McConnell, Norm Coleman, Sam Brownback, Trent Lott, Conrad Burns, James Talent, John Sununu, Mike Crapo.

Mr. FRIST. I now ask consent that the mandatory quorum under rule XXII be waived and the vote occur on the motion to invoke cloture at 5:30 p.m. on Monday, April 26.

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

MEASURE PLACED ON THE
CALENDAR—H.R. 2844

Mr. FRIST. I understand H.R. 2844 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative read as follows:

A bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

Mr. FRIST. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, object to further proceeding on this matter.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, APRIL 26,
2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today it adjourn until 1 p.m. on Monday, April 26. I further ask that, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and following the time for the two leaders the Senate begin a period of morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each; provided that at 2 p.m. the Senate resume consideration of the motion to proceed to Calendar No. 353, S. 150, the Internet tax bill, and at 5:30 p.m. the Senate proceed to the cloture vote on the motion to proceed, as provided under the previous order.

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

PROGRAM

Mr. FRIST. On Monday at 2 p.m. the Senate will resume consideration of the motion to proceed to the Internet tax bill. This is a piece of legislation that was on the floor for debate only last November. However, minutes ago I was forced to file cloture in order to bring the bill back for consideration.

The cloture vote on the motion to proceed will occur at 5:30 p.m. on Monday, and that will be the next rollcall

vote. It is my hope cloture will be invoked and we can move forward with debate on the bill.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the remarks of Senator DAYTON.

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

The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that I be granted the time necessary to make my full remarks.

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

IRAQ

Mr. DAYTON. Mr. President, thank you for your indulgence this evening. I, for the last couple of nights, have been reading through much of Bob Woodward's new book, "Plan Of Attack." It provides, believe me, quite an exceptional insight into the timetable and the process by which President Bush, Vice President CHENEY, and their top advisers secretly planned and then engineered our country and the world into the Iraq war.

It is remarkable that virtually every top administration official from the President on down provided so much information to Mr. Woodward, information that they withheld from Congress and from the American people.

For example, in the fall of 2002, I sat through several hours of top secret briefings with the Director of the Central Intelligence Agency and he never told us it was a "slam-dunk" that Saddam Hussein had weapons of mass destruction, as he reportedly said to the President. I guess I am glad he didn't, because he was wrong.

I voted against the Iraq resolution that fall because I was not persuaded that Saddam Hussein had or was close to acquiring weapons that threatened the national security of the United States. So I guess I am fortunate that I wasn't slam-dunked.

I wasn't, either, at the September 26, 2002, meeting which President Bush reportedly, according to Mr. Woodward, had with 18 Members of the House of Representatives. In the book, the President is quoted as saying—Mr. Woodward says initially:

Putting the most dire spin on the intelligence he, the President, said "It is clear he, Saddam Hussein, has weapons of mass destruction, anthrax, VX. He still needs plutonium. The timeframe would be 6 months for Iraq having a nuclear weapon if they could obtain sufficient plutonium or enriched uranium.

That was a significantly shorter timetable than anything that was represented to me in any of the briefings that I attended, even under those circumstances of procuring from the outside, weapons materials.

Then the President went to the Rose Garden and said to the assembled press corps, and therefore to the Nation and the world:

The Iraqi regime possesses biological and chemical weapons, and, according to the British government, the Iraqi regime could launch a biological or chemical attack in as little as 45 minutes after the order was given.

That is an alarming statement, coming from a President of the United States, a statement likely to frighten a great many Americans and also pressure a great many Members of Congress that Iraq was, right then and there, an urgent and immediate threat to our national security.

Mr. Woodward goes on to say that the CIA Director and others had warned the British not to make that allegation, which was based on a questionable source and almost certainly referred to battlefield weapons, not ones that Iraq could launch even at neighboring countries, let alone American cities. He quotes the Director of the CIA as referring privately to this as:

... they-can-attack-in-45-minutes shit.

I know one of my Senate colleagues who has said that he based his vote in support of the war resolution on that stated threat, and the peril, if true, in which it would have placed coastal cities in his State—if true. Of course it was true if the President, the President of the United States, said so to the American people from the White House, with Members of the House of Representatives, Democrats and Republicans, standing right behind him.

They presumably also believed in the President, that he was speaking the truth—a truth that perhaps only he could know. And surely, certainly, if he happened to misspeak, someone in the administration who knew otherwise, especially the person in charge of our national intelligence agency, would make sure the necessary correction would be issued quickly so as not to mislead anyone or everyone. But that wasn't done.

That is just one example of the misuse of prewar intelligence by the Bush administration. But in that instance the President himself and the commission the President appointed to look into the intelligence failures, if there were, or successes leading up to and through the Iraqi war, that commission will not be looking into that use or misuse of intelligence information by the administration officials because the President's directive does not permit them to do so.

If anybody in this body needs sufficient cause to insist upon, as members of my caucus have for many months now, a truly independent commission, one with full authority to investigate whatever its members determine warrants their investigation so that we all can know the truth and the full truth about who had what information and who used what information truthfully or untruthfully and, therefore, led us

into that war, if they need sufficient cause, this book certainly provides it.

It is clear to me, however—I say this very reluctantly—that the administration won't provide us with the truth themselves—perhaps only part of it through Mr. Woodward. I regret to say I am convinced that my colleagues on the other side of the aisle won't require the administration to do so. Instead, it is hunkered down, admitting no mistakes, acknowledging no difficulty, keeps spinning the party line about how well everything is going in Iraq, how much better and safer the Iraqi people are, we are, and the world is as a result of this war.

That is what we have been told repeatedly and emphatically in every Senate Armed Services Committee meeting I have attended and in every secret and top secret briefing I received. And in the now dwindling number of real opportunities to question the administration's decisions about what is going on in Iraq, we get instead the party line about what they want us to know—what they won't tell us because they don't want us to know. What they tell us is usually contradicted as a result of some good investigative journalism. And I thank the Lord for a free and vigilant press in this country. It is just an absolute requirement for successful democracy.

Increasingly now what we are finding out is the hard realities—the ugly truths about what really is happening or not happening in Iraq—grab the headlines and seize our attention and sear our consciences as more and more Americans are dying there, as more and more are wounded, injured, and maimed for life.

I have been to the hospitals here. I think most of my colleagues have as well. I have seen lives that have changed forever. And, of course, I have gone to services for those whose lives were ended forever, and those families have to struggle and go on.

It is incredible to watch what is going on in Iraq now and see that more and more of our incredibly courageous men and women serving over there are being murdered by the people they saved—the people that the administration with certainty said would support our troops as liberators and not attack them as enemies.

What do our incredibly brave American troops over in Iraq need to be able to do the enormous task that was assigned to them? We keep asking that question in Congress. We certainly asked it in the Armed Services Committee. We wanted to provide it.

This Congress and the Congress previous to this one—in which I also served—provided the administration with every single dollar it requested for the operation in Iraq, whether it was a regular appropriation, a supplemental appropriation, or emergency