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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, ruler of all nature, thank You for the gift of life and for the opportunity to invest in freedom. As electoral college votes are counted today, increase our gratitude for this great land.

Infuse the executive, legislative, and judicial branches of Government with strength to meet the challenges of our time. Remind our leaders that humility precedes honor and that service is the litmus test of greatness.

Continue to bless those who seek to relieve the suffering of the tsunami victims. Help them to remember that they are doing Your work and reward them from the bounty of Your love. We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 6, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Ms. MURKOWSKI thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

### SCHEDULE

Mr. MCCONNELL. Madam President, today we are in session to consider two committee membership resolutions. We hope to have those resolutions considered and adopted in a short while. The two resolutions will make majority and minority committee appointments for the 109th Congress, as well as officially appoint the chairmen and ranking members for each of those committees.

In addition to that business, today at 1 p.m. we will have a joint meeting with the House to count electoral votes. Members should begin gathering in the Senate Chamber at 12:40 this afternoon so we may depart as a body at 12:50.

Senators have been asking about the possibility of rollcall votes during today's session. At this point we have to say, unfortunately, that rollcall votes are still possible during today's session. As always, we will alert Members as the voting schedule becomes more clear. Once we have adopted our committee resolutions and the electoral vote count is completed, it is my intention the Senate will adjourn until January 20, Inauguration Day.

I will have more to say on the schedule today before the Senate closes.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

### TODAY'S AGENDA

Mr. REID. Madam President, we are very close to working something out on committee funding. We have an agreement on the split. It is just a question of what we are splitting. I have a meeting today with the ranking members. I spoke to virtually all of them last night and we will be able to work something out here. It is important we do that. We have Members on our side, new Senators, we want to appoint to committees. The majority has new Members they need to appoint to committees. There will be some new committee chairs, new ranking members. We want to expedite this. We hope to have it done, as I told the distinguished Senator from Kentucky, by noon today. It is something we need to do. I am confident we can do that.

On our side if, in fact, there is an objection filed to any of the States that are going to report their electoral college findings, we will not require a rollcall vote on our side, but that does not mean there won't be one. So whether there is an objection filed, we will wait and see at 1 o'clock today. After that, there will be decisions made by individual Senators as to whether there is a vote.

Procedurally, as I understand the rule, if there is an objection filed, automatically the electoral college proceedings are put in recess for 2 hours. During that 2 hours, Members in the House and Senate are allowed to speak for up to 5 minutes each on the objection. Following that, the electoral college reconvenes. If, in fact, there is an objection filed, I think everything would be completed by around 4 o'clock today.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mr. McCONNELL. Madam President, I might say with regard to speaking requests, I only have one or two. They will be very brief. It is my hope we might not take the entire 2 hours the Democratic leader has outlined, thereby allowing us to get that job finished earlier in the afternoon.

Mr. REID. Madam President, the distinguished Senator is again absolutely right. We have had a few requests on our side. At last count, I had less than five. That is 25 minutes, at most. But we cannot do anything until the House finishes. If they finish earlier, we would finish earlier and be able to move forward.

We will see what the day brings us. But it should not be a long day, no matter what happens.

Mr. McCONNELL. I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Montana.

#### TSUNAMI TAX CREDIT

Mr. BAUCUS. Madam President, I rise to share a few remarks involving the overwhelming disaster that has hit Southeast Asia. I hope the distinguished deputy leader would heed my remarks because I very much hope we can get this legislation passed this year—not only this year, but passed today—which gives a charitable tax deduction, cash deduction to Americans on their tax returns for 2004 who give a charitable contribution to the tsunami disaster. Clearly that has to be done immediately. Otherwise it will not have any real effect. It affects taxpayers who wish to give today but take the deduction on their 2004 tax returns, or 2005. This gives an opportunity to take the deduction on the 2004 returns.

It is almost impossible to talk about the tsunami disaster. Words do not begin to describe the extent of the disaster. We all feel it when we watch television and see the photographs in the newspapers. We hear reports from those who have been there; Secretary Powell, for example. It is so overwhelming. It is so large scale. One hundred fifty thousand people perished. Just imagine.

September 11 was a disaster almost beyond belief, and that was 3,000 deaths. We are talking now about 150,000 people who just had no defense. Families were destroyed. In many cases there is very little hope because so many relatives are gone. Roads are

gone. Houses are gone. Up to 2 million people who are displaced are homeless. It is staggering. Some suggest this might be the worst disaster in modern history. It could well be. But whether it is the worst or second worst is not the point. The point is, it is a huge personal disaster, personal tragedy for so many people over such a large scale.

I am encouraged and very thankful so many people around the world have poured their hearts out to the victims. Many have flown over to volunteer help. Many have sent contributions, sometimes in-kind contributions, sometimes cash.

Last night, I was watching a television program to raise money for the tsunami victims, and you could see it happen over a 45-minute period. First it went to \$1 million, and then it went up to \$6 million that had been pledged within that 45 minutes. That is wonderful.

I think a lot of Americans want to give. Clearly, some Americans are strapped, but they still want to give. It is the American spirit. It is who we are as Americans.

I suggest, in cosponsoring a bill with the chairman of the Finance Committee, Senator GRASSLEY, that we pass legislation today which gives Americans the opportunity to take the full deduction that is currently available for deductions in 2005—after all, this is January—that Americans can take that deduction today on their 2004 tax returns. I think many Americans would like to do that. It would be an additional incentive, an additional encouragement for Americans to contribute to the tsunami disaster.

It is very simple legislation but legislation that will be very helpful, and it must pass right away. Clearly, it will not work if it is passed much later. It will cause a lot of administrative problems for the IRS. After all, April 15 is the deadline for 2004 tax returns. If we could pass this legislation today, the IRS has told us it can very easily accommodate and deal with the changes that are necessary to allow Americans to take those deductions on their 2004 tax returns for the contributions they make now.

I very much hope the minor questions people have about this legislation are resolved very quickly because there is no reason not to pass this legislation. It will not create a huge precedential problem. It is not going to be terribly costly. But it is the right thing to do. It is the right thing for Americans to do, to pass legislation to make it a little easier for Americans to contribute to the victims of the tsunami disaster.

I very much hope we can get it passed. I am going to stay on the floor today as long as it takes to get it passed. There is no conceivable reason it should not pass. I am going to stay here until we do get it passed because it is the right thing to do.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

#### JOINT SESSION

Mr. DAYTON. Mr. President, I would like to address a few subjects this morning.

First, regarding the joint session of the House and the Senate that will be meeting this afternoon, I have received a great number of calls and expressions of interest and concern about that historic event—where the two bodies meet in joint session to certify the tally of votes from the electoral college.

Our role is a very limited one under both the Constitution and under Federal law which was passed and has stood since 1887. The role of the House and the Senate is not to adjudicate last November's Presidential election. That should not be our role. Those who want us to insert ourselves into that process are very well intentioned, but the role they envision for us is, in my judgment, inappropriate and potentially even dangerous. Our role today in this joint session of the Senate and the House is one of witnessing the tally of the electoral college vote. If there is an objection, it is based on very limited circumstances.

In fact, only once in the entire history of this legislation since 1886, only one time has there been a formal objection made, and that was for one electoral vote cast by one elector who did not vote in the way in which they pledged—in this case, the District of Columbia; not a State, a district. That objection was rejected by the House and the Senate in 1969.

There has never been in the history of the country an entire State slate of electoral votes objected to or rejected by actions of both the House and the Senate.

If an objection is made today signed by at least one Member of the House and one Member of the Senate, under the law, under the Constitution, the Senate separates from the House and meets for 2 hours. Our debate is limited by law to 2 hours. We each can speak up to 5 minutes and speak only once. Then on the basis of that debate we are supposed to vote—each of us—on whether to accept that electoral slate and the tally certified by the election authorities of the respective States or reject it.

We are a partisan body. We are well intentioned. We are all honorable men and women, as are our colleagues in the House. But we are elected as Democrats or Republicans, and in one case an Independent. For us on the basis of a 2-hour meeting and a 5-minute presentation by each of us to vote on