

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

whether to accept or reject the will of the people of a particular State is an enormously dangerous precedent. In my judgment, the standard and the bar under which any objection must qualify for our consideration, much less for our rejection, needs to be a very high one. That is what our Federal law envisions. It says:

No electoral vote or votes from any State which have been regularly given by electors whose appointment has been lawfully certified from which but one return has been received shall be rejected.

In other words, if the procedure that was followed by the election authorities of the State is a proper one and if it is certified as proper, if there is only one tally received from a State—in other words, if there are not two different representations of that State's electoral tally—then our function is to witness and acknowledge that that function has been performed properly; it is not to say whether that election was conducted properly. That review, if it is warranted, is the proper role of the Judiciary, which is supposed to be nonpartisan, which is supposed to be objective, impartial, fair, and ultimately make the decision which, under the respective States and Federal laws and the facts of all sides presented and carefully considered over whatever necessary period of time and finally in that very careful and sober deliberation, is determined to be the proper judgment.

That is not our capability. That is not our role. Under the restrictions of 2 hours today, that would be a travesty of justice. It is a situation where it would be reversed if JOHN KERRY had won this election. If a Republican-controlled Senate and a Republican-controlled House had objected based on the information I have seen regarding the electoral conditions in Ohio or any other State in the election, if they had been rejected and those electoral college votes had thrown the election into the House of Representatives where a partisan majority voted on partisan lines to elect the other candidate as President of the United States, there would be such a public outcry and loss of confidence in the integrity of our electoral process that I fear we would not recover as a nation—at least not for a long time. I would say the same if the situation were reversed.

This is not about partisanship. This is about ensuring the integrity of the legislative process. That is in its broad sense the proper role and responsibility of Congress; that is, one where those who are objecting to the conduct of this last election have solid ground and where we properly should insert ourselves once again as we did after the 2000 election when on a bipartisan basis in this body and the House we passed election reform legislation.

We provided funding for State and local governments to conduct these elections. And the intention was, I might add, under the Constitution they can do so more effectively and more ac-

curately. The principle is everyone should have the right to vote, and that vote should be counted accurately, which is fundamental to our democracy. If we fail at that, if we are not perfect in carrying that out, we are not carrying out our responsibility to protect the sanctity of this great democracy.

I take that responsibility very seriously. As a member of the Senate Rules Committee, which has jurisdiction over that, I will ask the chairman, Senator LOTT, to convene hearings into the 2000 election. We need to learn from that experience. A lot of focus and attention has been directed on Ohio, as it appropriately should. It was a State that ultimately in the final development of events on election night determined the outcome. There were probably other States which had some perhaps even greater imperfections in their voting procedures. That should be used as the basis for further legislation as necessary to safeguard this process so that, in fact and in perception, the American people know they had the right to vote, the chance to vote, and their vote was counted, and that the will of the majority, as reflected in the Presidential election through the electoral college, was faithfully, honestly, and accurately carried out by everyone responsible for doing so.

How much time remains under the order?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. DAYTON. I ask unanimous consent for an additional 5 minutes to complete my remarks.

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

IRAQ

Mr. DAYTON. Last week, Senator LIEBERMAN and I traveled to Iraq, to Baghdad. When I visited Iraq a year and a half ago, our Senate delegation in Baghdad and other cities, Basra and Tikrit, boarded armed Humvees and with military escort drove throughout those respective cities. Last week, we were confined for security reasons to the heavily fortified green zone, which is the command post of the United States military, our Government representatives, and the Iraqi government.

The necessity for those restrictions was made apparent because one of the opposition political leaders with whom we were supposed to meet and where we envisioned traveling for 5 minutes outside of the green zone was the target of an assassination attempt the previous day. He was not harmed, but a suicide bomber killed himself and nine other Iraqis outside the location where the meeting was to occur, which underscores the perilous nature of the environment and the impossibility of providing the necessary and complete security for our own forces who are performing heroically and continue to risk their lives, and in some cases give up their lives, tragically, to protect the

Iraqi people from the insurgent forces which are brutal and sometimes lethally effective in what they are intending to do in that particular country.

Sunday, I had the occasion to meet with a few hundred Minnesotans, family members of loved ones who are presently serving in Iraq. They asked the same question over and over again: When are our husbands, wives, sons, fathers, mothers, coming home?

Although I opposed the Iraq war resolution in October of 2002 and continue to believe, unfortunately, we have on an overall basis weakened our national security, not strengthened it by our action, we are there, with 150,000 of our Armed Forces committed. It is imperative we succeed. It is also imperative that we start to devise—we should have already—a strategy to bring our troops home safely as soon as possible with the victory secure. The only way victory will be ultimately secured is by the Iraqi people.

When Senator LIEBERMAN and I met with the Deputy Prime Minister of Iraq he said exactly that: The security of Iraq can only be gained by the Iraqi people. The process from being subject to a brutal dictator, tyrannical oppression for over a quarter of a century, to self-determining democracy is an enormous social transformation, one that will probably take several years.

When we justify, by those who are responsible for our continued presence in Iraq, what we are doing there, they need to be very clear about the parameters. First, we were looking for weapons of mass destruction which turned out not to exist there. Then it was an alleged link between Saddam Hussein and al-Qaida which has never been demonstrated to exist. Then it was opposing an evil dictator, which Saddam Hussein certainly was, which was achieved in the first 3 weeks of magnificent effort by our military. For the last 21 months it has been protecting as much as possible the country and protecting the time necessary for the Iraqi people to form a government, which they are in the process of doing.

Holding the election on January 30 as scheduled is essential to doing that. Training and equipping the Iraqi forces—police, military, national guard—to be able to do what the people of any country have to do to have a functional country under any form of government, which is to protect and defend their own country, has been regrettably a very slow process. I asked the United States military command and our civilian leadership in Iraq as well as the Iraqi Government authorities how far they thought we had progressed from a starting point to 100 percent Iraqi self-sufficiency regarding their own self-security and the answer was variously between 40 and 50 percent. We have initiated and engaged in and this Congress has funded to the full extent requested by the administration the Iraqi security training programs for over a year, about 15 or 16 months.