

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.

It is obviously a difficult assignment, given that the previous military structure of the country was removed by the Provisional Authority, but that decision has been made and now that process of retraining new forces has been underway for 15, 16 months and we are told it is not even half way there.

The Iraqi people need to be responsible for their own country. They must be responsible for their own country. They must decide to stand up for themselves. Many are doing so and even giving their lives to conduct this upcoming election and engaging in various security actions.

But the brunt of that responsibility, the burden, the fighting, the bleeding, the dying, is still being incurred by our own forces. We need to know when that is going to be able to stop. We need to know how that transition and when that transition is going to occur. We need to put the Iraqi people and our allies on notice that we are not going to be there indefinitely and that they need to be willing to step forward to provide what I think everyone wants, most of the world wants: a stable, secure, and successful Iraq.

As a member of the Senate Armed Services Committee, I have been increasingly frustrated by our inability, either in the committee, whether in public or secret briefings, whether as a body or through other discussions, to get what turns out to be accurate and reliable information from the civilian command, from the administration. Yesterday afternoon we had an Armed Services Committee hearing, a secret hearing, for 3 hours. I received information regarding the force capabilities of the Iraqi police and military that was at significant variance from what I was told a week before in Baghdad, which itself was at considerable variance from what we were told 2 months before, which then was half of the force level we were told existed a year before that.

What the numbers are, what the training capabilities are—I hesitate to use this word on the Senate floor, but it applies here—I don't like being lied to. I am elected to represent the people of Minnesota. I am elected to look out for their best interests. I met on Sunday with a few hundred Minnesota family members who were depending upon me to look out for the interests of their sons and daughters, husbands and wives. I take that as a life-or-death responsibility, as it is to them and their loved ones and all the members of the U.S. Armed Forces, putting their lives on the line every day.

They deserve to know, we deserve to know, the American people deserve to know from this administration their plan, what is their timetable, and what kind of progress are we making. We deserve to know the facts. We deserve to be told facts today that hold up as the truth tomorrow. I regret to say that is not occurring. It has not occurred, not only in this instance yesterday but in other significant respects throughout the last several months.

I appreciate enormously and admire tremendously the leadership of the Senate Armed Services Committee under its chairman, Senator WARNER, and its ranking member, Senator LEVIN. Senator WARNER has convened any number of hearings and briefings on the situation in Iraq and other places around the world, on the prison abuses at Abu Ghraib, on the armoring and rearmoring of the equipment and personnel for service in Iraq and Afghanistan.

In the last month, we have found, according to the private contractors, there was an unused capacity in their production capabilities of 25 percent for armored Humvees and these rearmoring kits for those Humvees that are over there in Afghan and Iraq that are unarmored, a 25-percent unused capacity because of a lack of production orders from our military, when we were told—and we asked, Republican and Democratic members of the Armed Services Committee alike, repeatedly: What do you need? What money, laws, procedures? What do you need to maximize production and immediate distribution to protect our men and women serving in Iraq?

We were assured, again and again and again, there was 100-percent production, that everything was being done, and that they did not need anything. And then we find out there is significant variance to that, in fact, in the truth.

Chairman WARNER convened several hearings in the last 6 months on the alleged prison abuses at Abu Ghraib. There were rumors of abuses occurring elsewhere in Iraq and elsewhere in the world. We were assured again and again by the administration and the other authorities who spoke before us that it was limited to those isolated instances in Iraq and in the Abu Ghraib prison. Now it comes to light, in the last month, there were documented reports through the chain of command, information that people who testified before our committee had to be aware of when they told us in committee hearings information that was at variance with those reports.

Similarly, the status of the Iraqi security and military forces—being told by the Secretary of Defense, who I think believed what he was telling us because that was the information he was given, a year ago that force level was at 202,000; and then to find out last September 15, in public remarks he made elsewhere, that number was about half that level; and then to get published reports that the actual number is some 78,000; and then to get a report last week that the number is somewhat above that; and then to get a report yesterday that the number is some tens of thousands above that. Having that number not being able to be confirmed by those who are testifying before us is a great travesty of justice and legality, and their moral, ethical responsibility to tell us the truth and give us the facts so we can

make those judgments that we are elected and held responsible to make, along with them, so that hopefully the collective wisdom of all of us serves the best interests of this country, its foreign policy, and the lives of its men and women who are serving us overseas, and who, for every day we keep them over there, are continuing to risk their lives, and some of them losing their lives or losing limbs, bodily functions.

This is life and death, and it is time we stop being lied to. I want this administration, I want the Pentagon command, to tell us the facts, tell us the truth about the situation in Iraq—what is going right, but what is going wrong, to tell us the truth and the facts about the capability of the Iraqi forces to replace ours, to take over responsibility for the law and order of their own country, to tell us the truth and the facts about the economic recovery projects, which ones have started, which ones have not, how much money has been expended, how much money has been wasted, how much money has been stolen.

It is shameful this body, which has the history of Harry Truman setting up a special committee during World War II to investigate the proper contracting, the proper expenditure of taxpayer dollars for a defense effort, where again American men and women were relying on that equipment, relying on getting it right away, and living or dying as a result—Harry Truman said: I don't care whether they are Democratic contractors or Republican, let the chips fall where they may and the truth be known. He went on to become the Vice President and then the President of the United States because he had that kind of integrity and that kind of courage.

We ought to see that today on the other side of the aisle, to be willing to investigate these matters. Whether it is a Republican administration or a Democratic administration, I don't care; it is an American administration. Those are American soldiers putting their lives on the line. We are all responsible, and we can't even get anybody to look into what is happening or not happening there, and we can't get anybody to tell us the facts, the truth. It is deplorable. It is unconscionable. It is un-American. And it is intolerable.

I think this body collectively needs to stand up and demand that we get the facts and the truth so we can go back home and tell those sons and daughters and fathers and mothers and husbands and wives what is happening to their loved ones over in Iraq, and when they are coming home with the victory they worked for, lived for, bled for, and died for secured, and how we are going to do that and when.

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

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### TAX DEDUCTING FOR TSUNAMI RELIEF

Mr. BAUCUS. Mr. President, I suggested to the chairman of the Finance Committee, Senator GRASSLEY, and he agreed, that it would be appropriate and, in fact, it would be a good idea, to pass legislation today which would allow Americans to give a full deduction that is available under current law to the tsunami relief effort in 2004, if they wish. Even though we are clearly now in 2005, the idea is and the legislation would provide that, for Americans who want to give to the tsunami relief effort and take that contribution on their 2004 tax returns, they may do so.

I am very encouraged the House took up that bill a few minutes ago. It is unclear as to when that will actually pass, but it is my understanding it will pass today. I have spoken to a good number of Senators about this legislation, and I have with me a long list of cosponsors of this legislation. I think it would be good for us to do this right away. I say quickly because the IRS has informed me that the sooner we pass this, the better. That is, the sooner we pass the legislation, the more easily they can work with American taxpayers who want to take this deduction—it is a cash deduction—in 2004.

It is framed as a cash deduction because that is what the relief agencies want. They want cash. First, cash can be transmitted much more quickly than in-kind contributions, as much as food and clothes is important. They can transmit the cash contribution with the speed of light, frankly. Second, with cash it can be disbursed and sent to the area where it is needed the most. Maybe food is needed, maybe medical supplies are needed in one area more than another, maybe clothing or tents or whatnot is needed. With the cash available, the relief agencies can decide what is the best use.

This is also the approach taken by our President when he nominated and encouraged former President Bush and former President Clinton to go nationwide to encourage Americans to contribute to the relief effort. They, too, suggest cash contributions are best. They are much more efficient. It is what makes the most sense as being the most helpful to the people in that part of the world who need it the most.

I have a special feeling, almost reverence, for Southeast Asia, because I have traveled in that part of the world many times. The Southeast Asia ambassadors have been guests of mine in my home State of Montana just recently, this past year. I visited Southeast Asia quite recently. My heart, all of our hearts, clearly, go out to the victims and their families. Words cannot describe the extent and depth of this

tragedy, and I am not going to make the effort to do so. But certainly when we see the photographs and we read the reports and hear people such as Secretary Colin Powell comment on what they have seen and what has happened or has not happened over there, it tugs very deeply at the hearts of all of us. That part of the world has our deepest prayers and our fondest hopes that we will do all we can to help out.

That is happening. The American public, the American people are the most generous people in the world. I don't know what it is, there is something extra special about the American spirit. We dig down to help people who need help. We are there. I think it is probably because we are a society that is much more open than most others. We are also a country with many immigrants. We feel for the goings on in other countries in the world.

We are a young country by comparison. I wouldn't say that makes us naive, but it certainly enables us to have much more hope about the future because we still are young. We are very hopeful. Many countries that are much older do not have quite the same hope, it seems. There is maybe a little cynicism—they have seen it all, or maybe not, but we are a country that is open and we want to help.

Therefore, I ask unanimous consent to have printed in the RECORD a resolution which would accelerate the income benefits for charitable cash contributions for the relief of victims in the Indian Ocean tsunami. Also, I ask unanimous consent to have printed in the RECORD a list of all the cosponsors of this Senate joint resolution. I am not going to read all the names. It is a long list.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR RELIEF OF INDIAN OCEAN TSUNAMI VICTIMS.

(a) IN GENERAL.—A taxpayer may treat any contribution described in subsection (b) made in January 2005 as if such contribution was made on December 31, 2004, and not in January 2005.

(b) CONTRIBUTION DESCRIBED.—A contribution is described in this subsection if such contribution is a cash contribution made for the relief of victims in areas affected by the December 26, 2004, Indian Ocean tsunami for which a charitable contribution deduction is allowed under section 170 of the Internal Revenue Code of 1986.

Mr. BAUCUS. Mr. President, I want our colleagues to know that Senator GRASSLEY and I were joined in the effort to provide tsunami relief assistance by dozens of our Colleagues. I want to acknowledge them by asking for unanimous consent that the text of the Senate Joint Resolution and the full list of cosponsors be printed in the RECORD.

Senator AKAKA of Hawaii, Senator ALEXANDER of Tennessee, Senator BIDEN of Dela-

ware, Senator BUNNING of Kentucky, Senator BYRD of West Virginia, Senator CANTWELL of Washington, Senator CLINTON of New York, Senator CORZINE of New Jersey, Senator DAYTON of Minnesota, Senator DURBIN of Illinois, Senator FEINGOLD of Wisconsin, Senator FEINSTEIN of California, Senator HAGEL of Nebraska, Senator HARKIN of Iowa, Senator HATCH of Utah, Senator INOUE of Hawaii, Senator JEFFORDS of Vermont, Senator KERRY of Massachusetts, Senator KOHL of Wisconsin, Senator LANDRIEU of Louisiana.

Senator LAUTENBERG of New Jersey, Senator LEAHY of Vermont, Senator LEVIN of Michigan, Senator MCCAIN of Arizona, Senator MIKULSKI of Maryland, Senator MURRAY of Washington, Senator NELSON of Nebraska, Senator NELSON of Florida, Senator OBAMA of Illinois, Senator REID of Nevada, Senator ROCKEFELLER of West Virginia, Senator SANTORUM of Pennsylvania, Senator SCHUMER of New York, Senator SMITH of Oregon, Senator WYDEN of Oregon, Senator STABENOW of Michigan, Senator DORGAN of North Dakota, Senator DODD of Connecticut.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

#### APPOINTMENT

The PRESIDING OFFICER. Pursuant to S. Con. Res. 1, the Chair appoints the Senator from South Dakota, Mr. JOHNSON, as teller on part of the Senate, in lieu of the Senator from Connecticut, Mr. DODD.

#### MAKING MAJORITY PARTY APPOINTMENTS TO COMMITTEES

Mr. MCCONNELL. I send a resolution to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) making majority party appointments to certain Senate committees for the 109th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to.

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

The resolution (S. Res. 5) was agreed to, as follows:

S. RES. 5

*Resolved*, That not withstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the following standing committees for the One Hundred Ninth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Chambliss (Chairman), Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Talent, Mr.