

from his comments it is essentially his purpose with this legislation to go back to the language we had in that legislation that passed unanimously out of the Senate Judiciary Committee and passed unanimously out of this body—provisions he has detailed as they relate to search warrants, the strengthening of section 215, a 4-year sunset on NSLs, and NSL judicial review. So I will anxiously await the opportunity to review that legislation Chairman SPECTER has indicated just this afternoon will be available to us.

I am encouraged, once again, we will be able to look at those areas where I and others have been very concerned that we have not provided adequately for that balance between providing our law enforcement the tools they need while, at the same time, maintaining the individual liberties we as Americans expect and certainly deserve. So, as I indicated, I look forward to reviewing that legislation.

But the legislation we are considering today—the conference report—I believe has made improvements on the original product of the PATRIOT Act, and so with passage of the additional protections, it is my intention to vote for cloture on the PATRIOT Act reauthorization bill.

Mr. LEAHY. Mr. President, the Republican leadership has made a mistake and is abusing its power by choking off debate on this important bill. Regrettably the majority leader has chosen to prevent any effort to offer amendments to the bill and has effectively stifled open debate. While I voted to proceed to consideration of the bill, I do not condone the Republican leadership's current abuse.

I have filed an amendment that would improve the bill by correcting one of the most egregious "police state" provisions regarding gag orders. The Bush-Cheney administration used the last round of discussions with Republican Senators to make the gag order provisions worse, in my view, by forbidding any court challenge for 1 year. The conference report places no similar restriction on recipients of national security letters, and there is no justification for its inclusion here.

In addition, the bill continues and cements into law procedures that, in my view, unfairly determine legitimate challenges to gag orders. It allows the Government to ensure itself of victory by certifying that, in its view, disclosure "may" endanger national security or "may" interfere with diplomatic relations. Unless the Government is acting in bad faith, the court must accept the certification as conclusive and must rule in favor of the Government.

This is the type of provision to which I have never agreed. The conference report uses identical language in connection with NSL gag orders, and I resisted it in that context. I agreed with Senator SUNUNU, who said in December that it would prevent meaningful judicial review because NSL recipients would never be able to show bad faith

on the part of the Federal Government. Senator SPECTER has also been critical of this provision.

My amendment would have corrected these unnecessary excesses. It struck both the 1-year waiting period for challenging a gag order and the "conclusive presumption" in favor of the Government. These changes are simple but they are essential if we are to avoid creating rigged procedures where the Government always wins, regardless of the merits.

By its abuse of the rules, the Republican leadership is preventing any opportunity to correct these matters. That is wrong. The Senate may have accepted or rejected my effort to remove this un-American restraint on meaningful judicial review of gag orders, but I should have had the opportunity to offer it.

In the weeks following 9/11, some of us worked hard in cooperation with the Bush-Cheney administration on what came to be the USA PATRIOT Act. I remind the current Republican leadership that even then, in those extraordinary times, we allowed Senators to offer amendments. We took difficult votes. I would have liked to have supported some of those amendments but, in my role as the chair of the Judiciary Committee, I felt that I could not at that time. But I did not and the majority leader, Senator DASCHLE, did not fill the amendment "tree" with sham amendments. Instead, we worked out an agreement to proceed with amendments and votes on those amendments.

In 2001, I fought for time to provide some balance to Attorney General Ashcroft's demands that the Bush-Cheney administration's antiterrorism bill be enacted in a week. We worked hard for 6 weeks to make that bill better and were able to include the sunset provisions that contributed to reconsideration of several provisions over the last several months. Last year I worked with Chairman SPECTER and all the members of the Judiciary Committee and the Senate to pass a reauthorization bill in July. As we proceeded in House-Senate conference on the measure, the Bush-Cheney administration and congressional Republicans locked Democratic conferees out of their deliberations and wrote the final bill. That was wrong.

Last December, working with a bipartisan group of Senators, we were able to urge reconsideration of that final bill. Senators SUNUNU and CRAIG were able to use that opportunity to make some improvements. I commend them for what they were able to achieve and hope that my support for their efforts has been helpful. I wish that along the way the Bush-Cheney administration had shown interest in working together to get to the best law we could for the American people.

Since the House-Senate conference was hijacked, I have tried to get this measure back on the right track. We have been able to achieve some improvements. I regret that this bill is

not better and that the intransigence of the Bush-Cheney administration has prevented a better balance and better protections for the American people. Just as I worked for an opportunity for Senator SUNUNU to seek improvements to the conference report, I will now vote against these unfair efforts to forestall any amendments to this measure. I remain committed to working to provide the tools that we need to protect the American people. That includes working to provide the oversight and checks needed on the uses of Government power and to improve the reauthorization of the PATRIOT Act.

In light of the abuse being perpetrated by the Republican leadership, I will vote against their stifling of meaningful debate and their obstruction of efforts to improve the bill, the conference report and the PATRIOT Act. I will vote against cloture on the bill without any opportunity to offer amendments. I urge the Republican leadership to reconsider its actions and allow a few amendments to be offered to the bill so that we can seek to improve it before final passage by the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative 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. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

BLACK HISTORY MONTH

Mr. DURBIN. Today, I would like to take the opportunity to honor the contributions of African Americans, particularly since this year marks the 80th anniversary of historian and scholar Carter G. Woodson's launch of Negro History Week in 1926. Since then, the contributions of African Americans to American history have been recognized and celebrated, and February has been designated "Black History Month."

I especially want to pay tribute to Mrs. Rosa Parks and Mrs. Coretta Scott King, the mother and the first lady, respectively, of the modern civil rights movement, who inspired ordinary African Americans to demand equal rights as American citizens. Their recent deaths remind us, during this month in particular, to take the time to reflect on the vital heritage and important contributions of African Americans.

This year also marks what would have been Dr. Martin Luther King, Jr.'s 77th birthday, and it is important that we continue to honor the values of faith, compassion, courage, truth, and justice that guided his dream for America. We have made great progress, especially in the area of racial justice, but we still haven't reached the Promised Land. If he were alive today, what would Dr. King, leader of the civil rights movement and the Poor People's Campaign, say about the fact that one in five American children are living in poverty today? What would he say about the fact that here, in the wealthiest Nation on Earth, 45 million people have no health insurance and millions more are underinsured?

What would Asa Philip Randolph, the labor leader who organized the Pullman car porters and fought against discrimination and segregation in the Armed Forces, say about the growing income inequality in America and the fact that corporate profits have increased 50 percent in the last 5 years—but low wage workers haven't had a raise in 7 years because the Congress of the United States refuses to raise the minimum wage? A parent who works 40 hours a week, 52 weeks a year for minimum wage today doesn't even earn enough to lift herself and her child out of poverty. Would Asa Randolph call that progress? Would he call that justice?

What would Fannie Lou Hamer, a civil rights activist who fought for low-income housing, school desegregation, and daycare, have said if she had seen the pictures of people stranded on rooftops in New Orleans and left homeless by Katrina in Biloxi, Pearl River, and so many other communities throughout the gulf coast? I suspect she would ask the same questions we all asked: How could this happen in America? In 2005?

This year, America lost Rosa Parks, the mother of the civil rights movement. Many others of those who marched and worked with her have passed on as well. How do those of us who believe in their dream keep it alive? We keep it alive by continuing the fight begun by them and by remembering and acting on what Dr. King said: America has no second- or third-class citizens. We should all have an equal voice, and an equal chance to succeed.

Yes, we have made progress in some areas. I think Charles Hamilton Houston, civil rights attorney who as a faculty member at Howard University prepared Thurgood Marshall to argue cases against discrimination, would be pleased to see my colleague from Illinois—the son of a Kenyan father and Kansan mother—serving in the U.S. Senate. I think he would have smiled in sad approval as he saw Rosa Parks lay in honor in the rotunda of the U.S. Capitol—one of the highest honors we can accord a person and one she so rightly deserved. I think Mr. Houston would be pleased that at least one of

the murderers of James Chaney, Michael Schwerner, and Andrew Goodman has finally been convicted of that horrible deed. Dr. King would also approve of the fact that the U.S. Senate finally, finally last year, condemned lynching.

I think another civil rights leader, John Jones, the first African American to hold elective office in Illinois, would also approve of the fact that 81 percent of African Americans aged 25 and older had at least a high school diploma, an increase from less than 1 in 5 in the 1950s. Today, African Americans own 1.2 million businesses that generate \$69.8 billion or about \$735,586 per firm. Mr. Jones would also be proud to hear that 60 percent of African Americans age 18 and older voted in the 2004 Presidential election, which equaled 14 million voters.

Yes, African Americans have made great achievements, but Dr. King would also remind us that we have further to go. One example is Georgia's new voter-identification law, which was approved over the objections of noncareer lawyers at the Department of Justice who warned that the plan would unfairly disenfranchise minority voters. Therefore, in the spirit of Dr. King's message of equality and racial justice, we need to reauthorize and strengthen the Voting Rights Act—with all of its sections—this year.

Throughout the 1950s and 1960s, those in the civil rights movement worked to secure basic civil rights and voting rights in statute. The cost for those in the movement was high: church burnings, bombings, shootings, and beatings. I walked in those same footsteps during my recent pilgrimage with U.S. Representative John Lewis to Selma and Montgomery, AL. It is important that we recognize the contributions of these extraordinary people because the legacy they left behind is an expression of important American values—equality, nondiscrimination, fairness, and ensuring the full participation of everyone in our society. Therefore, I celebrate this month with pride and reflection, knowing that although we have come a long way, we still have a great distance to go in order to fulfill our Nation's ideals of equality and equal opportunity.

REPORT ON FOREIGN TRAVEL

MR. SPECTER. Mr. President, I have sought recognition to report on a trip I made to Europe and the Mideast during the holiday recess, December 22 to December 31, 2005. The trip included stops in Brussels, Belgium; Tallinn, Estonia; Amman, Jordan; Baghdad, Iraq; Tel Aviv, Israel and Frankfurt, Germany.

This trip enabled me to learn about the important transformations countries in Eastern and Western Europe are making as we enter the 20th century and away from the Cold War era. Additionally, my travels through the Mideast provided me tremendous insight into the evolving political structure of the region as well as the United States' progress on the war on terror.

Prior to my departure many interesting and significant events occurred which helped shape the focus of my travels including: the eventual extension of the PATRIOT Act, the successful elections in Iraq, the New York Times disclosure of domestic eavesdropping and the tight fiscal budget constraints placed on the Fiscal Year 2006 appropriations process. The broader implications of these events were issues which I frequently encountered in my travels.

The first full day of my trip, December 23, 2005, began in Brussels, Belgium where I met with a number of members of two of the three U.S. Missions in Belgium: the U.S. Mission to the European Union, and officials from the U.S. Embassy in Belgium. The briefing was provided by: Will Imbrie, DCM; Ted Andrews, POL; Mike McKinley, Deputy Head of the U.S. Mission to the E.U.; Lee Litzenberger, Political Minister Counselor—U.S. Mission to the E.U.; and Dale Bendler, Special Adviser to the Ambassador. The discussions focused on a number of issues including the war on terror, war crimes, NATO and perceptions of President Bush by Belgians. Ambassador Korologus's staff briefed me on his efforts to build a strong transatlantic relationship between the United States, the European Union, Belgium and NATO. I found it interesting that Belgium is the 14th largest trade partner of the United States and that the country is making a substantial contribution to the war on terror financially. I support Ambassador Korologus's efforts and look forward to working with him and his staff in the future.

Mike McKinley informed me that Belgians are unhappy with the war in Iraq and that they see a difference with the war waged in Afghanistan. It is perceived that the United Nations support of the war in Afghanistan, as opposed to Iraq, is the reason the country has sent troops to Afghanistan as well as the horrendous acts of terrorism on 9/11. Mr. McKinley also informed me that the European countries, through the EU, will make significant contributions to the rebuilding of Afghanistan—5 billion euros over a 5-year period. Mr. Imbrie stated that the perception of President Bush in Belgium has improved not as a result of his most recent speeches, but because of the clear success of elections in Iraq.

Mr. McKinley also briefed me on the strong relationship the European Union has with the North Atlantic Treaty Organization, with 19 members of the E.U. also a part of the 25 nations in NATO. Mr. Imbrie discussed the transformation which is being attempted with NATO, forcing its member countries to acknowledge that a threat within the NATO states is less likely than the threat of terrorism which exists from outside. The transformation also asks countries to be postured in such a way that deployment of support is quick and efficient. Mr. McKinley stated his strong belief