

Mr. FEINGOLD. Mr. President, I thank the Senator from South Carolina for his remarks.

EXTENSION OF MORNING BUSINESS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the period for morning business be extended; that I be recognized for up to 20 minutes and that Senator LEVIN be recognized for up to 10 minutes.

Mr. STEVENS. I temporarily object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the majority controls the remainder of the time in morning business.

Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Senator from Alaska.

CIVIL RIGHTS AS A PRIORITY FOR THE 108TH CONGRESS

Mr. FEINGOLD. Mr. President, this month our Nation will celebrate what would have been Dr. Martin Luther King, Jr.'s 74th birthday. It is right and fitting that on the third Monday of every January since 1986, Americans have paused from their work, school, or other activities to honor Dr. King and his legacy. Dr. King gave hope to millions of Americans and was a catalyst for the greatest advancement in civil rights our Nation has experienced since the end of the Civil War.

Because of great Americans such as Dr. King, separate but equal is no longer the law of the land. Because of the progress we have made in the last 50 years, segregation in public schools has been unlawful. African Americans have the right to vote. Americans cannot be fired or denied a job based on race, religion, ethnicity, national origin, gender, or age. Our Nation has made great strides to protect freedom and equality for all Americans as a result of Dr. King's leadership.

But almost 40 years after Dr. King delivered his historic "I Have a Dream" speech on the steps of the Lincoln Memorial, and nearly 35 years after Dr. King was tragically gunned down at a hotel in Memphis, TN, our Nation still has a long way to go to finish his work.

As we begin the 108th Congress, I want to take this moment to urge both my colleagues and the President to make civil rights a priority.

Earlier this week, the Senate welcomed a new majority leader, Senator BILL FRIST. But the discussions leading up to that should be the beginning, not the end, of a national discussion about the unfinished work of securing civil rights for every American.

Congress and the President can demonstrate their support for freedom and justice by supporting civil rights initiatives that have been ignored for far too long. And they should begin this

month, as the new Congress convenes and as the Nation celebrates Dr. King's birthday.

Perhaps no issue on this agenda is more urgent than the issue of racial profiling. Racial profiling is the insidious practice by which some law enforcement agents routinely stop African Americans, Latinos, Asian-Americans, Arab Americans, and others simply because of their race, ethnicity, or national origin. Reports in States from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups are sometimes being stopped by some police far in excess—far in excess—of their share of the population and the rate at which they engage in criminal conduct.

Just this week, the Boston Globe ran a series of news articles about its analysis of traffic stop data in Massachusetts and came to the same troubling conclusion we have seen in places such as New Jersey and Maryland. Racial profiling still exists and is a very real problem. It hasn't gone away or ended. In fact, the Massachusetts experience only underscores the need for a national law on this issue of racial profiling. And the time to act is now.

I might add that the urgency for banning racial profiling is compounded by concerns post-September 11 that racial profiling—not good police work and following up on legitimate leads—is being used more frequently against Arabs, Muslims, or Americans who are perceived to be Arabs or Muslims.

President Bush pledged to end racial profiling nearly 2 years ago during this first address to a joint session of Congress. Attorney General John Ashcroft also has acknowledged the damage caused by racial profiling and, he too, called for an end to the practice. So it is time for this administration to move this effort forward.

In the last Congress, a bipartisan group of Members of Congress sponsored the End Racial Profiling Act. Representative JOHN CONYERS, the distinguished ranking member of the House Judiciary Committee, and I, intend to reintroduce our bill early in this Congress. Our bill bans racial profiling and requires Federal, State, and local enforcement agencies to take steps to prevent the practice. This bill should be one of the top agenda items in this Congress, and the administration should follow through on its promise to address this issue.

September 11 cannot be an excuse for continued delay in dealing with the problem of racial profiling. This is a problem and a challenge that our country can and must meet. We need improved intelligence and we need improved law enforcement, not racial stereotypes, to protect our Nation from future terrorist attacks.

Indeed, I believe that the End Racial Profiling Act is a pro-law enforcement bill. It will help to restore the trust and confidence of the communities our police and law enforcement have

pledged to serve and protect. That confidence is crucial to success in stopping crime, and, yes, in stopping terrorism. The End Racial Profiling Act is good for law enforcement and good for America.

As Dr. King often implored his fellow activists, it is not time to wait. It is not time to "slow up" or "cool off." He said, "[W]e can't afford to stop now because our Nation has a date with destiny. We must keep moving." Mr. President, it is time to act.

Yes, we have many pressing priorities this Congress. And I certainly think that first and foremost is combating terrorism and addressing our Nation's weak economy. But we cannot ignore a fundamental responsibility of this Congress: to fight for freedom, justice, and equality for all Americans. In addition to passing the End Racial Profiling Act, Congress and the President should also address a range of civil rights-related issues this Congress—from education, to welfare, to health care, to improving our criminal justice system.

We should ensure that every child has access to a quality public education. I voted against the education bill in the last Congress, because I do not believe that it will bring us closer to that goal. I am particularly concerned about the annual testing mandate included in this law. Study after study shows that disadvantaged students lag behind their peers on standardized tests. If we are to truly leave no child behind, we should give local school districts the resources they need to provide the basic educational services and programs to which each child is entitled. If we fail to provide these resources, we run the risk of setting disadvantaged children up for failure on these tests—failure which could damage the self-esteem of some of our most vulnerable students.

Congress should also do more to ensure that federally funded programs comply with civil rights and other laws. In particular, we must improve the Federal welfare law to require that each State's program treats all applicants and clients fairly. While Congress rightly encouraged State-level innovation with the 1996 welfare law, we should use the pending reauthorization of that law as an opportunity to ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

Congress should ensure that all Americans get a fair wage for an honest day's work. Too often, parents work double shifts or more than one job for low wages in order to make ends meet and to provide the basic necessities for their families. We must at last increase the Federal minimum wage. And we must work to close the wage gap between women and men.

Congress should also take action to ensure fairness and justice in the administration of the death penalty. We know that the administration of the

death penalty at the Federal and State levels is flawed. With over 100 innocent people on death row later exonerated in the modern death penalty era, any reasonable person can see that the current system risks executing the innocent.

Just this week, the University of Maryland released a study finding enormous racial and geographic disparities in the Maryland death penalty system. African-American defendants accused of killing white victims are significantly more likely to face the death penalty than cases with nonwhite victims. Prosecutors in Baltimore County are significantly more likely to file initially for a death sentence than other Maryland jurisdictions.

I think Governor Glendening did the right thing when he placed a moratorium on executions last year, and I urge Governor Ehrlich to continue that moratorium while he and other Maryland officials analyze this study's disturbing findings. It would be contrary to our Nation's fundamental principles of justice and fairness to execute anyone in Maryland until the disparities identified by this study have been addressed.

Of course, Maryland is not the only State with troubling racial and geographic disparities in its death penalty system. Similar concerns have been raised about the Federal system, as well as the administration of the death penalty in other States. That is why Congress should pass the National Death Penalty Moratorium Act. Congress and the President should support a moratorium on executions while a national, blue ribbon commission reviews the fairness of the administration of the death penalty.

This is a civil rights issue. We simply cannot say we live in a country that offers equal justice to all Americans when racial disparities plague the system by which society imposes the ultimate punishment.

Congress must also do more to protect hardworking Americans from discrimination in the workplace. We should pass the Employment Non-Discrimination Act. I have been pleased to join my colleague, Senator KENNEDY, in sponsoring this important bill that will ensure that Americans are not discriminated against by employers based on their sexual orientation. The world has changed. It is time that we take this step on behalf of equal opportunity and equal rights.

Congress should also take another step to realize Dr. King's dream of a nation where all Americans have the right to vote and to be represented in their Congress. We meet today in a jurisdiction where over half-a-million people are denied the right to fully participate in their government. The majority of the people in this jurisdiction, the District of Columbia, are African American. Shutting them out of our Government is a continuing moral stain on our Nation that must be addressed. We should take action on leg-

islation sponsored by Senator LIEBERMAN and myself, under D.C. Delegate ELEANOR HOLMES NORTON's leadership, to grant full congressional representation for the District of Columbia.

Finally, the President should demonstrate his commitment to justice for all Americans by nominating judges to the Federal bench whose records demonstrate that they will uphold our Nation's civil rights laws and give fair and impartial treatment to all who come before them. The President's re-nomination this week of Charles Pickering, Sr. to a position on the Fifth Circuit is a step backward. As a member of the Judiciary Committee, I reviewed his record closely last year and came to the conclusion that Mr. Pickering would not be fit for a position on the Fifth Circuit. I am not convinced that he will give all who come before him a fair hearing, especially on issues of racial justice.

Soothing words or a change of leadership alone cannot heal the divisions that remain in our Nation. Congress and the Administration must take concrete steps to protect Americans' civil rights, not just give them lip service.

As Dr. King said, "This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy."

There is much more work to do to fulfill Dr. King's dream that all of America's children would someday live in a country "where they will not be judged by the color of their skin but by the content of their character." Let's begin that work in this Congress, in this body, during this month when the nation celebrates Dr. King's birthday. There is no time to waste.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. 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.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to H.J. Res. 1, the short-term continuing resolution which is at the desk; further, that the resolution be read the third time and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, there are a number of our colleagues—and I

would say I am certainly one of them—who would vote no if we were to have a rollcall vote on this continuing resolution today. I have attempted to accommodate colleagues who are not able to be here as a result of their illness, and it is only as a result of illness we will forego the need for a rollcall vote. But I think this moment requires at least an explanation.

We are now into the 6th month of the effort underway in Congress to address appropriations. We have continued to extend the continuing resolutions at levels far below what is viewed as adequate for education, homeland security, health, research, and for the priorities that many of us hold to be the most important. So I must say I am deeply troubled by this continuing extension of the continuing resolution without addressing the need for adequacy in education and homeland security, in particular.

Basically, what this reflects is a dramatic cut, a deep cut in the funding for education, a deep cut in the funding for homeland security, a deep cut in transportation and research—cuts virtually across the board. I hope this will be the last continuing resolution that we will adopt in this manner.

I know that the chairs and ranking members of the Appropriations Committee are working now to resolve the other matters relating to these priorities and will bring an appropriations bill to the floor perhaps within the next few days.

It is with that understanding that we will not object to this CR, that we will not ask for a rollcall vote, but that we will voice, as strongly as we can, our opposition to these cuts and our determination to find a way to address them successfully as we consider the appropriations bills perhaps as early as next week. I do not object.

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I congratulate our leaders for this understanding. We are standing by ready to commence work on the 11 bills that are the fiscal year 2003 appropriations bills. We have had great bipartisan work on our committee with the staff and the Members. I believe the Democratic leader is absolutely correct; we are prepared to work with anyone in the Senate to try to work out any details that might have to be considered. We look forward to working with Senator DASCHLE in every way possible so we can move these bills as quickly as possible.

I speak as one who has just come back from my home in Alaska. We have the highest unemployment I have seen. Many of these bills contain money that would bring construction items and jobs to my State during this year. If we delay any further, we miss the construction season. These bills are vital