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 legislation 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 renomination 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

to restart our economic engine. I am pleased to have this report that we are able to move forward on this continuing resolution. I can pledge the four leaders of the Appropriations Committees—of the House and Senate—on a bipartisan basis have agreed to work together to get these bills finished as rapidly as possible with the help of the leaders. I thank the leaders.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, Senators should not be under any illusion: CR will starve vital functions of government. You don't have to take my word for it. According to Representative BILL YOUNG the Republican chairman of the House Appropriations Committee, a long-term CR at these levels ''would have disastrous impacts on the war on terror, homeland security, and other important government responsibilities.''

Chairman YOUNG wrote that sentence in a memo he sent to Speaker HASTERT. The memo went even further, detailing the impact of a CR on a host of important domestic programs. Here is a sampling of what Chairman YOUNG said will be cut:

No. 1, FBI: The funding to hire additional agents to fight terrorism and to continue information technology upgrades would be denied;

No. 2, bioterrorism: There would be no funding for the President's $800 million initiative to increase funding for new basic bioterror research, to develop and test a new improved anthrax vaccine, and to assist universities and research institutions;

No. 3, first responders: There will be no funding for the President's $3.5 billion initiative to provide assistance to local law enforcement, fire departments, and emergency response teams;

No. 4, SEC/corporate responsibility: There will be insufficient funding to support current staffing requirements let alone significant staff increases needed to monitor corporate behavior;

No. 5, veterans medical care: A long-term CR would leave the veterans medical health care system at least $2.5 billion short of expected requirements;

No. 6, firefighting: The $1.5 billion taken from other Interior Department programs to pay for firefighting costs will not be replaced;

No. 7, Pell grants: A freeze in this program will result in a shortfall of over $900 million;

No. 8, Medicare claims: There will be no funding for the President's $143 million proposal to ensure that the growing number of claims are processed in a timely manner;

No. 9, special supplemental feeding program for WIC: Funding would be reduced by $114 million below current levels, meaning less will be available for families that depend on this program;

No. 10, Social Security claims: There will be no funding increase to process and pay benefits to millions of Social Security recipients.

In addition to the program cuts listed by Chairman YOUNG, the House CR omits assistance for thousands of farmers all over this country who are confronting the worst drought in more than 50 years.

This is the wrong way to do business. We should be completing our work on the bipartisan appropriations bills, not cutting education, veterans affairs, homeland security and other important priorities.

Each of these bills properly fund key priorities. And, most importantly, each enjoyed the unanimous support of the Democrats and the Republicans on the Committee.

Mr. President, the chairman of the Appropriations Committee in the House wrote a memo that has been widely read. It is an excellent memo that reviews the impact of these cuts. It was sent to the Speaker last October. I ask unanimous consent that the memo be printed in the RECORD.

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

MEMORANDUM

To: Speaker Hastert
From: Chairman C.W. Bill Young
Re: Impacts of a Long-term Continuing Resolution
Date: October 3, 2002

Pursuant to my October 1st correspondence regarding the state of the appropriations process, I want to provide you with further analysis of the potential impacts of a long-term continuing resolution (CR). These projections assume a current-rate CR excluding one time expenditures that extends through February or March.

A long-term continuing resolution (CR) that funds government operations at FY02 levels would have disastrous impacts on the war on terror, homeland security, and other important government responsibilities. It would also be fiscally irresponsible. It would fund low-priority programs the President has proposed to eliminate.

Homeland Security—The President has proposed a nearly $40 billion increase for homeland security in his FY03 budget. None of these funds would be provided under a long-term CR. Assuming Congress completes work on creating a Department of Homeland Security, a long-term CR would leave this new agency with very little resources to carry out its new mission.

Projects—A long-term CR ensures that no Member of Congress would receive a single project. The Committee has received tens of thousands of requests for billions of dollars from almost every Member of Congress.

War Supplemental—It is likely that the first item Congress will consider when we reconvene after the election is a major supplemental to fund possible military operations in Iraq. It would be highly problematic to expect the Congress to complete work on 11 spending bills while working on an urgent war supplement.

HOMELAND SECURITY IMPACTS OF LONG-TERM CR

FBI—We would not have sufficient funding to hire additional agents to fight terrorism and to continue IT upgrades that will help the FBI ''connect the dots'' through data mining proposals and other information infrastructure enhancements.

TSA—Efforts to improve aviation, maritime and land security would be seriously curtailed. Port, cargo, and trucking security would seriously deteriorate. If emergency funds are excluded from the CR calculations (which is historically the case), TSA would be under an annual rate of $1.5 billion for the life of a long-term CR. This would be only 28 percent of their FY03 budget request ($5.3 billion). At this level, it is unlikely TSA could maintain their current workforce of 32,000 screeners as well as air marshals. TSA would likely face personnel RIF's. Most airports would not be able to meet the deadlines for security improvements established by Congress last December.

Coast Guard—The Coast Guard is requesting a large ($500 million) budget increase in FY03, and much of this is to hire additional security personnel, such as Maritime Safety and Security Teams to patrol harbors and respond to suspicious activity. It also includes funds to expand the sea marshal programs, which escorts DoD and high-risk commercial ships into pert. Under the FY02 level, these safety expenses would be deferred, or would require diversion of fund from other critical missions such as drug interdiction or search and rescue. Coast Guard ''deepwater'' program is slated to expand from $500 million in FY02 to $725 million in FY03. The contract was just signed this past June. Under a long-term CR, the effort will have to be scaled back due to lack of funding. This will impact shipyards, design companies, aircraft manufacturers, and integration companies, all around the country.

Bioterrorism—President has proposed a nearly $800 million increase for new, basic bioterror research, $250 million to develop and test a new improved anthrax vaccine, and $150 million to assist universities and research institutions in upgrading research facilities to conduct secure, comprehensive research on biological agents. None of these important initiatives to combat, study and prevent bio-terroism would be funded under a long-term CR.

Border Patrol/INS—Efforts to deploy an additional Border Patrol agents and immigration inspectors at land port-of-entry along both the northern and southern borders would be stalled. Likewise, construction projects that are necessary to house these additional Border Patrol agents would be delayed. No funding would be available to continue planning and implementation of the INS' Entry Exit system, a program designed to facilitate more secure and controlled access to this country by non-U.S. citizens.

First Responders—The President has proposed a new initiative to provide $3.5 billion in assistance to local law enforcement, fire departments and emergency response teams across the Nation. No funds would be provided for this program, one of the highest domestic security priorities for the President and his Homeland Security advisor. Tom Ridge.

Hospital preparedness—We would not have sufficient funds to assist hopitals in making the necessary infrastructure improvements and expansions so that they are prepared to respond to bio-terrorism emergencies.

Diplomatic security—We would not have the funds to hire additional State Department security staff for deployment overseas, or to carry out needed technical and physical security upgrades.

Office of Homeland Security—The Office of Homeland Security was funded through the $20 billion supplemental. Under a clean CR, this office would not be funded.

PROGRAMMATIC IMPACTS OF LONG-TERM CR

SEC/Corporate Responsibility—We would not be able to fund current staffing requirements, let alone support significant staff increases needed to fight corporate fraud and protect investors.

Veterans—The veterans medical care system will likely be at least $2.5 billion short

of expected requirements. Veterans would be deprived of significant increases in medical care proposed by the President and the House budget resolution.

NIH—We would not be able to scale-up significantly Federal support for bio-preparedness research and development as proposed by the President. Anthrax vaccine research and development also would be slowed. It would forgo the nearly $4 billion proposed for the National Institutes of Health which is consistent with Congress commitment to double funding for NIH over a set period of time.

Foreign Operations—Afghanistan reconstruction, including the famous Presidential ring road, would staff, increasing chances that unrest and killings would resume there as the Iraq matter comes to a head. It will severely cut the U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria and reduce by 30 percent funds for Plan Colombia.

Firefighting—interior has already spent $1.5 billion on firefighting above what provided in FY02. This has come at the expense of other programs including Member projects. These bills would not be paid under a long-term CR.

Pay—All agencies would have to absorb Federal employee pay increases due in January. This will make it much more difficult for agencies to operate under a current rate and result in widespread layoffs and furloughs.

Pell Grants—A freeze in the Pell program will result in the accumulation of a significant shortfall. There will be a shortfall of over $900 million, even when factoring in the $1 billion supplemental appropriation provided to the program in fiscal year 2002.

DEA—We would be unable to hire new agents in response to FBI restructuring, which shifted 400 FBI drug agents to counter-terrorism. We have proposed to hire hundreds of new agents to fight the war on drugs. Not a single new agent would be hired under a long term CR leaving a significant gap in the federal government's drug enforcement capabilities.

GSA Construction—No new starts for any GSA line-item construction ($630 million); would delay $300 million for 11 courthouse construction projects, $30 million for 6 border station construction projects, and $300 million for 5 other construction projects, including funds for consolidating Food and Drug Administration facilities, a major Census building, and the US mission to the UN in New York. Projects would become more expensive due to inflation.

Campaign finance Reform—No funding for implementation of the Bipartisan Campaign Reform Act making it difficult for the Federal Elections Commission to implement the reforms signed into law by the President.

Federal Prisons—Insufficient activation funds to four Federal prisons that are scheduled to open in FY 2003, exacerbating the already overcrowded conditions in the Federal prison system.

Medicare claims—We would not be able to provide additional funding, as proposed by the President, to handle the increased Medicare claims volume in a timely manner. The President proposed a $143 million increase to adequately process the growing number of claims. A long term CR would significantly slow down the claims process and unnecessarily inconvenience Senior Citizens who depend on Medicare.

Yucca Mountain—A CR at the FY 2002 enacted level of $375M would significantly cut DOE's nuclear waste repository program by over $200 million. This would cause real delays in the scheduled opening of the facility.

The Special Supplemental Feeding Program for Women, Infants, and Children (WIC) would be reduced $114 million from current levels. This would result in less assistance being available for families who depend on this important program, especially in uncertain economic times.

The Food and Drug Administration would be reduced by $138 million which would result in immediate furloughs and RIFs among newly hired employees responsible for enhanced availability of drugs and vaccines, and for increased food safety activities (primarily surveillance of imported food products, an identified vulnerability).

Social Security—The President also asked for a significant increase in funds to process and pay benefits to the millions of Social Security recipients.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the majority leader?

Without objection, it is so ordered.

The joint resolution (H.J. Res. 1) was read the third time and passed.

EXTENSION OF MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the period for morning business be extended until 3 p.m., with the time equally divided, and that Senators be permitted to speak for up to 10 minutes each.

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

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

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

Mr. HARKIN. Mr. President, I understand that the Senate is now in morning business. I ask unanimous consent that I be allowed to proceed in morning business for up to 30 minutes.

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

STATE OF THE AMERICAN ECONOMY

Mr. HARKIN. Mr. President, I want to spend some time today here on the floor of the Senate discussing the state of the American economy, the choices we face, how we got here and hopefully a vision for a better future for our middle-class working families.

What is the state of the Nation's economy? You don't need to look at the economic indicators, and the latest unemployment statistics, although they could tell you a story. You can just walk on the streets of Burlington or Waterloo or any city, or most towns large and small anywhere in America. For ordinary people paying taxes, it is tough for families right now. People are hurting.

In the longer view, we face a growing fiscal and economic crisis due to a lack of reasonable economic leadership of this President. We have returned to deficit spending and are mortgaging the dreams of the middle class with millions to finance a tax cut aimed at the very few. That tax cut is squeezing out sensible, middle-class tax relief. It is squeezing out funding for health care and education. In the last year, the President, even in his budget reduced funding for the Leave No Child Behind Act, which just yesterday at the White House he was touting as being a great success. It is squeezing out money needed for that.

Worst of all, the President's fiscal mismanagement threatens Social Security and Medicare, and threatens having a real prescription drug benefit that is so needed. It threatens the need that we have to raise the floor on Medicare payments to States. My State of Iowa is right now rock bottom in the Nation in terms of beneficiary funding for Medicare.

Again, we are facing the retirement of the baby boomers who are coming along pretty soon; and, of course, the need to fight terrorism.

All of these are being squeezed by the misguided and misplaced economic policies of this administration. To date, the economic leadership of President Bush has been a miserable failure.

Let us start at the beginning.

On the day that George W. Bush was sworn as the 23rd President of the United States, the 10-year budget surplus was estimated at $5.6 trillion $3.1 trillion on budget—the largest in American history. That year's budget surplus was $236 billion—again, the largest 1-year budget surplus in our Nation's history. The economy had created 22 million new jobs in the previous 8 years. Unemployment stood at 4.2 percent, a record.

The Nation's fiscal health in January of 2001 was such that facing a slowing economy, we could have passed a substantial stimulus package to boost the short-term economy without harming the Nation's long-term fiscal health. In kind of simple terms, it is if you or I get sick, and if we eat right and exercise, and we are in good health, we can even ride out the occasion of a bad flu, for example. But if you haven't taken care of yourself, if you haven't eaten right, and you are not in good health overall, a simple flu can put you in the hospital or on life support. That is the kind of smart economic plan we followed in the 1990s. Those fiscally responsible and pro-growth policies made it possible for us to deal with the short-term economic slowdown without harming our Nation's long-term fiscal health.

Unfortunately, President Bush chose a different but now an all-to-familiar economic course—a massive, fiscally irresponsible tax cut that does little to create jobs but does benefit largely the wealthiest among us. It has little or nothing to do with helping the middle class or with creating jobs.

In this day and age it seems that a Republican candidate running for