

Judicial Conference to handle their increased workloads. If we added the 11 additional appellate judges being requested, the vacancy rate would be 16 percent. Still, not a single qualified candidate for one of these vacancies on our Federal appellate courts is being heard today.

At our first executive business meeting of the year, I noted the opportunity we had to make bipartisan strides toward easing the vacancy crisis in our nation's Federal courts. I believed that a confirmation total of 65 by the end of the year was achievable if we made the effort, exhibited the commitment, and did the work that was needed to be done. I urged that we proceed promptly with confirmations of a number of outstanding nominations to the court of appeals, including qualified minority and women candidates. Unfortunately, that is not what has happened.

Just as there was no appellate court nominee included in the April confirmation hearing, there is no appellate court nominee included today. Indeed, this committee has not reported a nomination to a court of appeals vacancy since April 12, and it has reported only two all year. The committee has yet to report the nomination of Allen Snyder to the District of Columbia Circuit, although his hearing was 8 weeks ago; the nomination of Bonnie Campbell to the Eighth Circuit, although her hearing was 6 weeks ago; or the nomination of Judge Johnnie Rawlinson, although her hearing was 4 weeks ago. Left waiting for a hearing are a number of outstanding nominees, including Judge Helene White for a judicial emergency vacancy in the Sixth Circuit; Judge James Wynn, Jr., for a judicial emergency vacancy in the Fourth Circuit; Kathleen McCree Lewis, another outstanding nominee to the multiple vacancies on the Sixth Circuit; Enrique Moreno, for a judicial emergency vacancy in the Fifth Circuit; Elena Kagan, to one of the multiple vacancies on the District of Columbia Circuit; and Roger L. Gregory, an outstanding nominee to another judicial emergency vacancy in the Fourth Circuit.

I deeply regret that the Senate adjourned last November and left the Fifth Circuit to deal with the crisis in the Federal administration of justice in Texas, Louisiana and Mississippi without the resources that it desperately needs. It is a situation that I wished we had confronted by expediting consideration of nominations to that court last year. I still hope that the Senate will consider them this year to help that circuit.

I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. That all of these highly qualified nominees are being needlessly delayed is most regrettable. The Senate should join with the President to confirm these well-qualified, diverse and fair-minded nominees to fulfill the needs of the Federal courts around the country.

During the committee's business meeting on June 27, Chairman HATCH noted that the Senate has confirmed seven nominees to the courts of appeals this year—as if we had done our job and need do no more. What he failed to note is that all seven were holdovers who had been nominated in prior years. Five of the seven were reported to the Senate for action before this year, and two had to be reported twice before the Senate would vote on them. The Senate took more than 49 months to confirm Judge Richard Paez, who was nominated back in January 1996, and more than 26 months to confirm Marsha Berzon, who was nominated in January 1998. Tim Dyk, who was nominated in April 1998, was confirmed after more than two years. This is hardly a record of prompt action of which anyone can be proud.

Chairman HATCH then compared this year's total against totals from other presidential election years. The only year to which this can be favorably compared was 1996 when the Republican majority in the Senate refused to confirm even a single appellate court judge to the Federal bench. Again, that is hardly a comparison in which to take pride. Let us compare to the year 1992, in which a Democratic majority in the Senate confirmed 11 Court of Appeals nominees during a Republican President's last year in office among the 66 judicial confirmations for the year. That year, the committee held three hearings in July, two in August, and a final hearing for judicial nominees in September. The seven judicial nominees included in the September 24 hearing were all confirmed before adjournment that year—including a court of appeals nominee. We have a long way to go before we can think about resting on any laurels.

Having begun so slowly in the first half of this year, we have much more to do before the Senate takes its final action on judicial nominees this year. We should be considering 20 to 30 more judges this year, including at least another half dozen for the court of appeals. We cannot afford to follow the "Thurmond Rule" and stop acting on these nominees now in anticipation of the presidential election in November. We must use all the time until adjournment to remedy the vacancies that have been perpetuated on the courts to the detriment of the American people and the administration of justice. That should be a top priority for the Senate for the rest of this year. In the last three months in session in 1992, between July 12 and October 8, 1992, the Senate confirmed 32 judicial nominations. I will work with Chairman HATCH to match that record.

One of our most important constitutional responsibilities as United States Senators is to advise and consent on the scores of judicial nominations sent to us to fill the vacancies on the federal courts around the country. I look forward to our next confirmation hearing and to the inclusion of qualified

candidates for some of the many vacancies on our Federal Court of Appeals.

DRUNK DRIVING PER SE STANDARD

Mr. DEWINE. Mr. President, now that we have passed the Transportation Appropriations bill and it heads to the conference committee, I strongly urge my colleagues to support in conference a provision in the bill that would encourage states to adopt a .08 Blood-Alcohol Concentration (BAC) level as the per se standard for drunk driving.

This issue is not new to the Senate. In 1998, as the Senate considered the Transportation Equity Act for the 21st Century, or TEA 21, 62 Senators agreed to an almost identical provision—an amendment that Senator LAUTENBERG and I offered to make .08 the law of the land. Sixty-two Senators, Mr. President, agreed that we needed this law because it would save lives.

We made it clear during the debate in 1998 that .08, by itself, would not solve the problem of drunk driving. However, .08, along with a number of other steps taken over the years to combat drunk driving, would save between 500 and 600 lives annually. Let me repeat that, Mr. President—if we add .08 to all the other things we are doing to combat drunk driving—we would save between 500 and 600 more lives every year.

On March 4, 1998—when the Senate voted 62 to 32 in favor of a .08 law—the United States Senate spoke loud and clear. This body said that .08 should be the uniform standard on all highways in this country. The United States Senate said that we believe .08 will save lives. The United States Senate said that it makes sense to have uniform laws, so that when a family drives from one state to another, the same standards—the same tough laws—will apply.

But sadly, Mr. President, despite the overwhelming vote in the Senate—despite the United States Senate's very strong belief that .08 laws will save lives—this provision was dropped in conference. The conferees replaced it with an enhanced incentive grant program that has proven to be ineffective. Since this grant program has been in place, only one state—Texas—has taken advantage of the incentives and put a .08 law into effect.

So, here we are again—back at square one, making the same arguments we made two years ago—the same arguments that compelled 62 United States Senators to vote in favor of .08 legislation. Let's not make the same mistake this time, Mr. President. The Senate kept the .08 provision in the Transportation Appropriations bill we passed last week—this time, we need to do the right thing and keep the provision in the conference report and make it law once and for all.

The case for a .08 law in every state is as compelling today as it was two years ago when we voted on this. The fact is that a person with a .08 Blood-

Alcohol Concentration level is seriously impaired. When a person reaches .08, his/her vision, balance, reaction time, hearing, judgement, and self-control are severely impaired. Moreover, critical driving tasks, such as concentrated attention, speed control, braking, steering, gear-changing and lane-tracking, are negatively impacted at .08.

But, beyond these facts, there are other scientifically sound reasons to enact a national .08 standard. First, the risk of being in a crash increases gradually with each blood-alcohol level, but then rises rapidly after a driver reaches or exceeds .08 compared to drivers with no alcohol in their systems. The National Highway Traffic Safety Administration (NHTSA) reports that in single vehicle crashes, the relative fatality risk for drivers with BAC's between .05 and .09 is over eleven times greater than for drivers with BAC's of zero.

Second, .08 BAC laws have proven results in reducing crashes and fatalities. Back in 1998, when Senator LAUTENBERG and I, argued in support of a national .08 law, we cited a study that compared states with .08 BAC laws and neighboring states with .10 BAC laws. That study found that .08 laws reduced the overall incidence of alcohol fatalities by 16% and also reduced fatalities at higher BAC levels. During our debate two years ago, the accuracy of this report was called into question by opponents of our amendment. Since then, a number of different studies have verified the findings of the original Boston University study. I will talk about these new studies shortly.

Third and finally, according to NHTSA, crash statistics show that even heavy drinkers, who account for a large percentage of drunk driving arrests, are less likely to drink and drive because of the general deterrent effect of .08.

Right now, Mr. President, we have a patchwork pattern of state drunk driving laws. Forty-eight states have a per se BAC law in effect. Thirty-one of these states have a .10 per se standard. Seventeen have enacted a .08 level. With all due respect, Mr. President, this doesn't make sense. The opponents of the .08 level cannot convince me that simply crossing a state border will make a drunk sober. For instance, just crossing the Wilson Bridge from Virginia into Maryland would not make a drunk driver sober.

This states' rights debate reminds me of what Ronald Reagan said when he signed the minimum drinking age bill: "The problem is bigger than the individual states It's a grave national problem, and it touches all our lives. With the problem so clear-cut and the proven solution at hand, we have no misgiving about this judicious use of federal power."

The Administration has set a very laudable goal of reducing alcohol-related motor vehicle fatalities to no more than 11,000 by the year 2005. Mr.

President, this goal is going to be very difficult to achieve. But, I believe that recent history provides a road map for how to achieve this goal. Beginning in the late 1970's, a national movement began to change our country's attitudes toward drinking and driving. This movement has helped spur state legislatures to enact stronger drunk driving laws; it led to tougher enforcement; and it caused people to think twice before drinking and driving. In fact, it was this national movement that helped me get a tough DUI law passed in my home state of Ohio back in 1982. In short, these efforts have helped reverse attitudes in this country about drinking and driving—it is now no longer "cool" to drink and drive.

The reduction in alcohol-related fatalities since that time is not attributable to one single thing. Rather, it was the result of a whole series of actions taken by state and federal government and the tireless efforts of many organizations, such as Mothers Against Drunk Driving, Students Against Drunk Driving, Advocates for Highway and Auto Safety, and many others.

Despite all of our past efforts, alcohol involvement is still the single greatest factor in motor vehicle deaths and injuries. We must continue to take small, but effective and proven steps forward in the battle against drunk driving. Passage of a national .08 blood alcohol standard is one of these small, effective steps.

Mr. President, how do we know that .08 is an effective measure in combating drunk driving? Earlier I cited a Boston University study which showed that, if all 50 states set .08 as a standard, between 500 and 600 lives would be saved annually. A number of my colleagues questioned that study during the Senate debate back in 1998. But, we don't need to rely on that one single study.

Since we last debated .08, at least three studies have been published on this issue. The most comprehensive of these, conducted by the Pacific Institute for Research and Evaluation, concluded the following: "With regard to .08 BAC laws, the results suggested that these laws were associated with 8% reductions in the involvement of both high BAC and lower BAC drivers in fatal crashes. Combining the results for the high and low BAC drivers, it is estimated that 275 lives were saved by .08 BAC laws in 1997. If all 50 states (rather than 15 states) had such laws in place in 1997, an additional 590 lives could have been saved." Let me repeat that. "If all 50 states . . . had such laws in place in 1997, an additional 590 lives could have been saved."

A second study, Mr. President, conducted by NHTSA, looked at eleven states with "sufficient experience with .08 BAC laws to conduct a meaningful analysis." This study found that ". . . the rate of alcohol involvement in fatal crashes declined in eight of the states

studied after the effective date of a .08 BAC law. Further, .08 BAC laws were associated with significant reductions in alcohol-related fatalities, alone or in conjunction with administrative license revocation laws, in seven of eleven states. In five of these seven states, implementation of the .08 BAC law, itself, was followed by significantly lower rates of alcohol involvement among fatalities."

Finally, the third most recent study, conducted by the Highway Safety Research Center at the University of North Carolina, evaluated the effects of North Carolina's .08 BAC law. Opponents of this amendment use this study as supposed proof that .08 does not work. But, here is what the study concluded: "It appears that lowering the BAC limit to .08% in North Carolina did not have any clear effect on alcohol-related crashes. The existing downward trend in alcohol-involvement among all crashes and among more serious crashes continued . . ." In other words, .08 when enacted by a state that is progressive and aggressive in its efforts to deal with drinking drivers helps to continue existing downward trends in alcohol involvement in fatal crashes.

Mr. President, some skeptics still might not be convinced of the positive effects of a national .08 BAC standard. The General Accounting Office (GAO) conducted a critical review of these studies. GAO concluded that there are "strong indications that .08 BAC laws, in combination with other drunk driving laws (particularly license revocation laws), sustained public education and information efforts, and vigorous and consistent enforcement can save lives." The U.S. Department of Transportation (DOT), in its response to the GAO report, concluded that "significant reductions have been found in most states;" that "consistent evidence exists that .08 BAC laws, at a minimum, add to the effectiveness of laws and activities already in place;" and that "a persuasive body of evidence is now available to support the Department's position on .08 BAC laws." The GAO responded to DOT, stating: "Overall, we believe that DOT's assessment of the effectiveness of .08 BAC laws is fairly consistent with our own."

The fact is that since we last debated this issue, all of these published studies have reached the same conclusion: .08 laws will save lives. I urge my colleagues not to be fooled by the opponents' rhetoric during conference negotiations and keep the provision in tact. The opponents attempt to demean .08 laws by saying they will not "solve the problem of drunk driving." These opponents—in the way they use the word "solve"—are correct: .08 is not a silver bullet. By itself, it will not end drunk driving. However, it is exactly what proponents have always said it was—another proven effective step that we can take to reduce drunk driving injuries and fatalities. Make no mistake—.08 BAC laws will save lives.

I want to conclude by thanking my friend from New Jersey, Senator LAUTENBERG, for his continued dedication to this issue. His hard work and perseverance have helped bring us to the point today where the Senate once again has passed legislation to strongly encourage states to enact this life-saving measure. I would also like to thank Senator RICHARD SHELBY, the Chairman of the Subcommittee, for his support of the .08 measure as the Transportation Appropriations bill was being crafting; and Senator JOHN WARNER for his continued dedication to reducing drunk driving.

Mr. President, .08 is definitely a legislative effort worth fighting for, and I hope we will succeed this time in retaining the provision in the conference report. I thank the Chair and yield the floor.

PROJECT EXILE: THE SAFE STREETS AND NEIGHBORHOODS ACT

Mr. DEWINE. Mr. President, there has been a lot of talk recently in this country about gun control. It is no secret that gun control measures are very controversial and are subject to a great deal of debate—as they should be. But, we have to remember that in the heat of this debate, we must not lose sight of the real issue at hand—and that's gun violence. There is nothing controversial about protecting our children, our families, our communities by keeping guns out of the wrong hands—keeping guns out of the hands of criminals and violent offenders—not law-abiding citizens, Mr. President, but criminals.

These criminals with guns are killing our children. They're killing our young adults. They're killing our friends and our neighbors. I am here on the floor today because I am very troubled by this, Mr. President, and I am troubled by the current Administration's handling of crimes committed with guns. Let me explain.

Right now, current law makes it a federal crime for a convicted felon to ever possess a firearm. So, once a person is convicted of a felony, that person can never again own a gun. It is against federal law to use a gun to commit any crime, regardless of if that crime is otherwise a state crime. And, under federal law, the sentences for these kinds of crimes are mandatory—no second chance, no parole.

In the late 1980's, President Bush made enforcement of these gun laws a priority. His Justice Department told local sheriffs, chiefs of police, and prosecutors that if they caught a felon with a gun—or if they caught someone committing a crime in which a gun was used—the federal government would take the case, and put that criminal behind bars for at least five years—no exceptions. During the last 18 months of the Bush Administration, more than 2,000 criminals with guns were put behind bars.

Consistent, effective enforcement ended once the current Administration took office. Between 1992 and 1998, for example, the number of gun cases filed for prosecution dropped from 7,048 to about 3,807—that's a 46 percent decrease. As a result, the number of federal criminal convictions for firearms offenses has fallen dramatically.

For six years, the Justice Department refused to prosecute those criminals who use a gun to commit state crimes—even though the use of a gun to commit those crimes could be charged as a federal crime. The only cases they would prosecute were those in which a federal crime was already being committed and a gun was used in the commission of that crime.

Even worse, to this very day, some federal gun laws are almost never enforced by this Administration. While Brady law background checks have stopped nearly 300,000 prohibited purchasers of firearms from buying guns, less than .1 percent have actually been prosecuted.

I have repeatedly questioned Attorney General Reno and her deputies about the decline in prosecutions, and their standard response is that the Department of Justice is focusing on so-called "high-level" offenders, instead of "low-level" offenders, who commit one crime with a gun. They say that they want to prosecute the few sharks at the top rather than the numerous guppies at the bottom of the criminal enterprise. With all due respect, that's nonsense.

Attorney General Reno recently said that she would aggressively prosecute armed criminals, but only if they commit a violent crime. Again, that type of law enforcement policy just doesn't make sense. Current law prohibits violent felons from possessing guns, and so we should aggressively prosecute these cases to take guns away from violent criminals—before they use those guns to injure and kill people. It's that simple.

Mr. President, we have often heard that six percent of the criminals commit 70 percent of the crimes—six percent of the criminals commit 70 percent of the crimes. Well, if you have a violent criminal who illegally possesses a gun, I can bet you that he is part of that six percent! He's one of the bad guys—and we should put him away before he has a chance to use that gun again.

Mr. President, we need to take all of these armed criminals off the streets. That is how we can reduce crime and save lives. Why wait for armed criminals to commit more and more heinous crimes before we prosecute them to the full extent of the law? Why wait, when we can do something before another Ohioan—or any American—becomes a victim of gun violence?

We shouldn't wait, Mr. President. That's why the House of Representatives recently passed legislation that would increase gun prosecutions. And that's why, along with a number of my

colleagues, including Senators ABRAHAM, SANTORUM, WARNER, SESSIONS, HELMS, ASHCROFT, and HUTCHINSON from Arkansas, we have introduced the companion to the House-passed bill—a bill that offers the kind of practical solution we need to thwart gun crimes.

Our bill—called "Project Exile: The Safe Streets and Neighbors Act of 2000"—would provide \$100 million in grants over five years to those states that agree to enact their own mandatory minimum five-year jail sentences for armed criminals who use or possess an illegal gun. As an alternative, a state can also qualify for the grants by turning armed criminals over for federal prosecution under existing firearms laws. Therefore, a state has the option of prosecuting armed felons in state or federal courts. Qualifying states can use their grants for any variety of purposes that would strengthen their criminal or juvenile justice systems' ability to deal with violent criminals.

This approach works, Mr. President. In Virginia, for example, the state instituted a program in 1997, also called "Project Exile." Their program is based on one simple principle: Any criminal caught with a gun will serve a minimum mandatory sentence of five years in prison. Period. End of story. As a result, gun-toting criminals are being prosecuted six times faster, and serving sentences up to four times longer than they otherwise would under state law. Moreover, the homicide rate in Richmond already has dropped 40 percent!

Every state should have the opportunity to implement Project Exile in their high-crime communities. The bill that we have introduced will make this proven, commonsense approach to reducing gun violence available to every state. It will take guns out of the hands of violent criminals. It will make our neighborhoods safer. It will save lives.

I urge my colleagues on both sides of the aisle to support and pass this legislation. It's time to protect our children, our families, and our country from armed and dangerous criminals. It's time to get guns out of the wrong hands. It's time we take back our neighborhoods and our communities from the criminals and take action to stop gun-toting criminals.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 11, 2000, the Federal debt stood at \$5,665,065,032,353.04 (Five trillion, six hundred sixty-five billion, sixty-five million, thirty-two thousand, three hundred fifty-three dollars and four cents).

Five years ago, July 11, 1995, the Federal debt stood at \$4,925,464,000,000 (Four trillion, nine hundred twenty-five billion, four hundred sixty-four million).

Ten years ago, July 11, 1990, the Federal debt stood at \$3,149,532,000,000