

While the President claims that his opposition to the Tax Code Termination Act is to protect business by ensuring them a long-term landscape on which to make major business investment decisions, most business-led tax organizations actually support our efforts to terminate this Tax Code. The National Federation of Independent Business, Citizens for a Sound Economy, and others know firsthand how many billions of dollars per year they waste trying to understand this Tax Code, much less comply with the Tax Code. They see their profits eaten up by tax lawyers and tax accountants. They know full well that the real uncertainty is in the current code, not in any distant sunset of the current code, and they know that the Tax Code Termination Act will create a clean slate on which a fairer, simpler Tax Code can be built.

I am certain that when and if President Clinton attempts to take this debate outside the beltway, he will quickly learn who is being irresponsible; he will quickly see where the American people stand on this important issue.

Finally, the Tax Code Termination Act, sponsored by myself and Senator BROWNBACK of Kansas, is currently supported by the entire Senate Republican leadership and is being cosponsored by 26 fellow Senators. I urge the President to rethink his position, and I urge my fellow Members to get behind this effort and take the first step in simplifying our Tax Code by setting a date certain that this code will expire.

It is one thing, Mr. President, to be cautious. It is one thing to be prudent. It is quite another to be controlled by timidity and frozen into inaction. As my colleagues have said, the Tax Code has had its place in history, now we need to make it a part of history. I ask my colleagues to join me in that effort.

Thank you, Mr. President. I yield the floor.

#### INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. CHAFEE. The Senator from North Dakota wants to speak in favor of the amendment.

Mr. DORGAN. That is correct.

Mr. CHAFEE. How much time does the Senator want?

Mr. DORGAN. If the Senator will yield 10 minutes, I will try not to use all 10.

Mr. CHAFEE. That is fine, 10 minutes, from the time of the opponents.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Presiding Officer.

Mr. President, I rise today to support the Lautenberg amendment. I intend to vote for it, and I am pleased to support a piece of legislation I think will be important in saving lives in our country.

Before I do, I want to talk about three quick items. One is the amendment that has just been adopted, the McCain amendment. I would then like to talk about the Lautenberg amendment and then, finally, an amendment I am going to offer following the disposition of the Lautenberg amendment.

The McCain amendment which has been adopted now contains a provision I want to call attention to dealing with high-speed police pursuit. It is an issue I have been involved with for some long while. I care a great deal about it, and I have introduced legislation for a number of years, part of which has now been included in the McCain amendment dealing with safety.

There are in this country many instances in which high-speed police pursuits are not only necessary but virtually mandatory, and I understand that. There are other circumstances in this country, where high-speed police pursuits are inappropriate and result in the death of innocent people. Nearly 400 people a year are killed and many others are injured in high-speed police pursuits.

One ought to be able to expect all across this country, no matter where one is driving, that law enforcement jurisdictions are given good training and have good policies dealing with high-speed police pursuits. That is my intention with the legislation.

I also feel that I would like to do more. I would like to make sure that in the future, with respect to high-speed police pursuits, that we have a provision that anyone who believes they should be able to flee from law enforcement when law enforcement attempts to apprehend them will lose their vehicle and will have certain jail time. We ought to send the message to all people in this country that you are the villain in high-speed police pursuits. If you don't stop when a law enforcement officer attempts to stop you, there are going to be consequences, and significant consequences. We can save lives by that. And the McCain amendment just adopted includes my provision dealing with high-speed police pursuits and incentives for more training and uniform policies. I think that is a step forward.

Second, the Lautenberg amendment, which I am pleased to support, and I hope will have the support of a majority of Members in the U.S. Senate. I understand that some can quibble here or there about .08 or .10 or .12—this, that, or the other thing. I do not think anyone will quibble with the statement made earlier today by one of my colleagues in which he asked the question: Would you like to put your son or daughter in a car with someone who had four drinks in the last hour and has a .08 blood alcohol content?

Under current law, that person is not drunk. But is that the car you would like your son or daughter in? I think not. Mr. President, .08, I am told, relates to the blood alcohol content of a man roughly 170 pounds who has had four drinks in an hour.

In this country, we license people to drive. No one in this country should be empowered to drive and drink at the same time. It can turn an automobile into an instrument of murder and does every 30 minutes, causing someone else to die on America's roads and streets because someone decided to drink alcohol and drive.

We have had incentive programs previously dealing with drunk driving. Some have worked, some have worked a bit, some have worked well, and some have not worked at all. The Senator's amendment is very simple. The proposition of this amendment is to say that our road programs in this country are national programs. We know they are national because we come here and talk about roads being a national priority. Even the smallest, the most remote, and the least populated areas of our country have roads because those roads allow people to get from one place to another.

Yes, my State is a smaller State, and less populated, but as they move frozen shrimp and fresh fish from coast to coast, guess what? They truck that through North Dakota, and we need roads in all parts of our country to have a first-class economy. A country with a first-class economy needs good infrastructure, and that means good roads.

Because roads represent a national priority and are a national program, it seems to me perfectly logical to understand that anyone driving in this country ought to have some assurance that they are not going to run into someone coming down the other lane who is driving in a jurisdiction or a State where they are told it's OK to have .10 or .12. No one in this country should expect to meet someone at the next intersection, in the next State, or the next county where the driver is drinking. So I am going to support this amendment that calls for a national standard of .08.

Let me tell you about the other amendment I am going to offer following this amendment, which I hope my colleagues will support as well.

Mr. President, did you know there are five States in this country where you can put a fist around a bottle of whiskey and the other around the steering wheel, and you are perfectly legal? There is not one jurisdiction in America where that ought to be legal—not one city, one county, one township where it ought to be legal for anyone to get behind the wheel of a car and drink. Five States now allow that.

Over 20 States allow, if not the driver to drink, the rest of the people in the car to have a party. They can get plenty of whiskey and plenty of beer, and they can go down the road and have a great old party. Over 20 States say that is fine, as long as the driver doesn't drink, and in five of them the driver can drink as well. There is not one jurisdiction that ought to allow that.

My amendment has the same sanction as the amendment proposed by the

Senator from New Jersey. It simply says that every State in this country, because we have a national roads program, that as drivers, we can expect some uniformity in treatment across this country when we are driving up to the next intersection. We should expect that no one we will meet in this country is going to be legally empowered to drive the vehicle and drink in the same set of actions.

I will offer that on the floor. I offered it previously several years ago, about 3 years ago, and I missed having that amendment adopted by three votes—only three. I don't know how many people have died because we didn't do that, but some. I don't know their names. But some families have gotten the call, families like the wonderful family of the Senator from Ohio and others in this Chamber, the BUMPERS family—Senator BUMPERS, who several years ago gave one of the most eloquent speeches on the floor of the Senate about the tragedy in his family.

Families have gotten that call because we didn't do what we should do. We should, as a country, decide that there are certain and significant sanctions for those who drink and drive and that we can expect on a national basis that everywhere you go in America, everywhere you drive a car, you will not only have a .08 standard, but you will have some assurance that you are not going to meet at the next intersection or on the next county, State, or even township road someone who is drinking and driving.

Someone said earlier today that you have a right to drive in this country, but you ought not to have a right to drive and drink. I attended a ceremony today that the Senator from New Jersey and the Senator from Ohio attended and heard the statement by a young woman who had just lost her 9-year-old daughter in the not-too-distant past. She spoke again of the tragedy that her family experienced because someone else decided they were going to drink and drive.

To close this discussion, I want to say this. It is one thing for us to come to the floor of the Senate and talk about devoting resources, energy, and effort to try to do something about something we are not certain how to cure. This is not some mysterious illness for which we do not know the cure. We understand what causes these deaths, and we understand how to stop them.

Mothers Against Drunk Driving, God bless that organization and the people who every day in every way fight to make things better on this subject. And we have made some progress. We have made some improvement. But we can do much, much better. We are not near the standard that many of our European allies and our European neighbors have adopted on these issues, saying to people: "Understand this about drinking and driving. If you are going to be out and you have a vehicle, you better not be drinking, because the

sanctions are tough. If you get picked up for drunk driving, you are in trouble."

That is what this country ought to say as well. Have a designated driver, take a taxi, do any range of things, but understand as a country that we take this seriously and we intend to do some things on the floor of this Senate in this piece of legislation to say to the American people: We care about this issue, and we can save lives in a thoughtful manner without abridging anyone else's right.

I do not know who said it today—perhaps it was the Senator from Ohio—that you have a right to get drunk, I guess, in this country, but you do not have a right to get drunk and drive. That ought to be a message from the .08 amendment, and I hope from my amendment that follows, that this country says that to everyone living here and everyone intending to drive in the future. Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I have said several times tonight that the opportunity for those who wish to speak against this amendment is now. No one showed up to speak against the amendment. Therefore, I have been yielding time to the proponents of the amendment. We have the Senator from Washington who wishes to speak in support of the amendment for about 10 minutes, and then after the conclusion of that, I will yield an additional 3 or 4 minutes to the Senator from Ohio. Then it is my intention to close up shop here and put the Senate out.

So, I do not know how much time we have left.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 31 minutes 30 seconds.

Mr. CHAFEE. So, anybody who wants to speak against the amendment, now is the time, or they will be relegated to tomorrow where there will be half an hour to speak against it. So I yield the Senator from Washington such time as he needs, maybe 10 minutes.

Mr. GORTON. Yes.

Mr. CHAFEE. Ten minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, last week, when I was first informed of the proposal by the Senator from New Jersey, I was torn. I agreed totally with his philosophy, but I also have a great deal of respect for the States and for their legislatures that, of course, have full jurisdiction over this problem. Many States have acted, and other States are in the process of acting.

Over the weekend, however, I ceased to be pulled in two separate directions on this subject by a remarkable article directly on point in the Sunday Seattle Times.

I would like to share with my colleagues some of that article. Then at the end, I will place the entire news

story in the RECORD. The news story was on a great success story in American society, the reduction in automobile deaths. While it deals with the State of Washington, I am certain that it is of relatively universal application, to a greater or lesser extent, all across the United States.

An early paragraph in the article reads:

The numbers are clear: The state's roads are not just a little safer in the 1990s than in decades past, they're much safer. You're a lot less likely to be in an accident than in earlier times. And if you are in one, you're less likely to be seriously injured or killed.

Last year, there were 1.3 deaths for every 100 million miles driven on Washington's roads and highways. In 1953, as far back as comparable statistics are available, the figure was four times higher—at 5.1 deaths per 100 million miles.

Incidentally, Mr. President, 1953 was the year in which I moved to the State of Washington straight out of school. So our roads are now four times safer than they were in 1953.

The article goes on to speak about causes for this remarkable social success, and says:

Dr. Fred Rivara, director of Harborview Medical Center's Injury Prevention and Research Center, says the long-term improvement is "clearly due to a combination of a lot of factors"—safer cars, high seat-belt use, air bags, a gradual reduction in drunken driving, construction of interstate highways and improved trauma care for the seriously injured.

Moffat, of the Traffic Safety Commission, identifies freeway construction as "the single most significant safety factor" because interstates are roughly three times as safe as other roads and city streets. . . .

They go on to say—and it is relevant directly to the amendment of the Senator from New Jersey—

With the freeways built, the traffic-safety focus shifted to drunken driving and the simple defensive measure of encouraging drivers to use their seatbelts.

"Organizations such as Mothers Against Drunk Driving deserve a lot of credit for bringing that about," says Rivara. "They succeeded in changing public attitudes about drunk driving."

One result has been a renewed effort in Olympia to pass tougher drunken-driving laws. One bill would lower the blood-alcohol concentration for driving under the influence to 0.08 percent from 0.10 percent. . . .

Precisely what the Senator from New Jersey proposes.

The state's death rate essentially has remained at its record-low level for the past six years. Further improvement will require a renewed focus on drunken drivers and seat-belt use, Moffat says, because at this stage "belts and booze are the secrets of success."

Figures from the National Highway Transportation Safety Administration clearly indicate part of the problem. Nationwide, alcohol played a role in about 41 percent of traffic deaths in 1996. . . . In California, the figure was 40 percent and in Oregon, 42 percent.

But in Washington, alcohol was involved in fully half of all traffic fatalities. Furthermore, NHTSA figures show that the influence of alcohol in traffic deaths hasn't dropped nearly as much in Washington as it has nationally or in California and Oregon.

Moffat, a Seattle policeman for 25 years before moving to the Traffic Safety Commission in 1995, is convinced that tougher

drunken-driving laws are the key to safer roads. Oregon and California both have them, and they work, he says. Moffat estimates that similar legislation here would cut fatalities by at least 10 percent.

"What that means in real terms is 70 fewer deaths" each year, he says.

Now, Mr. President, that, in one State, is what we are discussing here in this amendment. In the State of Washington, with roughly 2 percent of the population of the United States of America, approximately 70 fewer traffic deaths per year.

Now, that figure may be smaller in some States that already have the .08 standard. I suspect it may be larger in those whose drunken-driving laws are less significantly enforced.

But, Mr. President, this brings it down to the basic level of individual deaths in individual parts of our country. I found that article to be overwhelmingly persuasive. I trust that the legislature of my State will in fact pass a law which is now halfway through the legislative process. But to encourage strongly, to encourage every State to do exactly the same thing is the key to fewer traffic deaths.

We are not dealing with unknowns here. We are not dealing with predictions. We are dealing with now a history, a history of more than 40 years of keeping track of traffic deaths in my State, a four-times reduction in traffic deaths. And now we have an opportunity to reduce them by another 10 percent, perhaps more than 10 percent through this action.

It is, Mr. President, action that we ought to take and ought to take promptly.

Mr. President, I ask unanimous consent to have the entire news article printed in the RECORD.

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

[From the Seattle Times, March 1, 1998]

STATE'S ROADS ARE THE SAFEST EVER

(By Tom Brown)

Forget road rage, rampaging sport-utility vehicles and tailgating semis.

Despite those and two more-serious road hazards—drunken drivers and failure to buckle up—driving in Washington is safer than it has ever been.

The numbers are clear: The state's roads are not just a little safer in the 1990s than in decades past, they're much safer. You're a lot less likely to be in an accident than in earlier times. And if you are in one, you're less likely to be seriously injured or killed.

"When we're frustrated by some civic problems, this is one where we're actually making progress," says John Moffat, director of the Washington Traffic Safety Commission.

This progress gets overlooked amid reports of pistol-waving road-ragers and horrific accidents such as one last month in Bothell in which three people died when a van was crushed between two trucks and exploded in flames.

Last year, there were 1.3 deaths for every 100 million miles driven on Washington's roads and highways. In 1953, as far back as comparable statistics are available, the figure was four times higher—at 5.1 deaths per 100 million miles.

Despite a big increase in population and a jump in the number of miles driven in the

state, the actual number of people who die annually in traffic accidents has declined over the past 20 years.

The last time more than 1,000 people died on Washington roads was in 1979. Last year, there were 663 traffic deaths, even though 73 percent more miles were traveled on state roads than in 1979.

One of the most striking aspects of the traffic record is that the major measures of safety—death rate, serious-injury rate and collision rate—have all either declined or held steady despite worsening congestion and the consequent driver frustration that leads to occasional violence.

In the past decade, while the central Puget Sound region was establishing its reputation as one of the most-congested driving areas in the country, both the state's traffic-death rate and serious-injury rate have declined by about 50 percent.

Dr. Fred Rivara, director of Harborview Medical Center's Injury Prevention and Research Center, says the long-term improvement is "clearly due to a combination of a lot of factors"—safer cars, high seat-belt use, air bags, a gradual reduction in drunken driving, construction of interstate highways and improved trauma care for the seriously injured.

Moffat, of the Traffic Safety Commission, identifies freeway construction as "the single most significant safety factor" because interstates are roughly three times as safe as other roads and city streets. The first major decline in the state's traffic-death rate coincided with the replacement of Highway 99 by Interstate 5 as the state's north-south arterial in the 1960s.

More recently, the new Interstate 90 Floating Bridge also has helped cut the death toll, Moffat says. The original bridge across Lake Washington, which sank in 1990, had an awkward bulge in the middle where it opened occasionally for shipping. It also had reversible lanes during rush hours.

These features produced six or seven deaths a year, Moffat says, while traffic deaths on I-90's two new bridges are rare. He estimates the new bridges, alone, have saved about 70 lives in the past decade.

With the freeways built, the traffic-safety focus shifted to drunken driving and the simple defensive measure of encouraging drivers to use their seat belts.

The first major legislative shots in the state's war on drunken driving were fired in 1979, when traffic deaths peaked at 1,034. Since then, the death rate has plummeted by nearly two-thirds, from 3.6 to 1.3 per 100 million miles.

"Organizations such as Mothers Against Drunk Driving deserve a lot of credit for bringing that about," says Rivara. "They succeeded in changing public attitudes about drunk driving."

Celebrated cases also have galvanized people to act. One such case was the death last year of Mary Johnsen of Issaquah, who was struck and killed by a van driven by a repeat drunken driver while walking along a residential street with her husband.

"I don't know that Mary Johnsen's death was inherently any more tragic than any of the 300 other drunk-driving deaths last year, but it touched a lot of people," says Moffat.

One result has been a renewed effort in Olympia to pass tougher drunken-driving laws. One bill would lower the blood-alcohol concentration for driving under the influence to 0.08 percent from 0.10 percent. Another would allow authorities to impound and forfeit the vehicles of drunken drivers.

The state's death rate essentially has remained at its record-low level for the past six years. Further improvement will require a renewed focus on drunken drivers and seat-belt use, Moffat says, because at this state "belts and booze are the secrets to success."

Figures from the National Highway Transportation Safety Administration (NHTSA) clearly indicate part of the problem. Nationwide, alcohol played a role in about 41 percent of traffic deaths in 1996 (1997 figures are not yet available). In California, the figure was 40 percent and in Oregon, 42 percent.

But in Washington, alcohol was involved in fully half of all traffic fatalities. Further more, NHTSA figures show that the influence of alcohol in traffic deaths hasn't dropped nearly as much in Washington as it has nationally or in California and Oregon.

Moffat, a Seattle policeman for 25 years before moving to the Traffic Safety Commission in 1995, is convinced that tougher drunken-driving laws are the key to safer roads. Oregon and California both have them, and they work, he says. Moffat estimates that similar legislation here would cut fatalities by at least 10 percent.

"What that means in real terms is 70 fewer deaths" each year, he says.

#### MORE OF US USE SEAT BELTS

Despite more drunks on the road, Washington's highway-death rate is substantially below the national average, which was 1.7 per 100 million miles in 1996. That's because more drivers here use their seat belts—about 85 percent, Moffat says, compared with an average of about 60 percent nationally, a figure that varies widely from state to state.

In Washington, of those who die in auto accidents, only 35 or 40 percent have their seat belts on.

"Some accidents are going to kill anyway," Moffat says. But in a potentially fatal crash—defined as two vehicles colliding head-on at 35 mph or an auto hitting a solid object at 60 mph—seat belts raise the chances of survival to 50 percent.

Moffat concludes that of the 60 percent or so who die unbelted each year, half could save themselves with this simple, two-second maneuver. That would be perhaps another 150 lives saved.

But as Rivara notes, those most at risk for fatal accidents—the intoxicated and young, male drivers—are the least likely to use seat belts.

As for road rage, it's no laughing matter—particularly for those who have been shot at or otherwise threatened. But statistically, it is a minuscule contributor to highway-safety problems, and Moffat suggests that residents keep their focus on more fundamental concerns.

"When I look at 330 drunken-driving deaths, that is a tremendous problem," he says. "Road rage doesn't even raise the needle."

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, does the Senator from Ohio wish a few minutes. I say to the Senator from Ohio, how much time would you like?

Mr. DEWINE. Ten minutes.

Mr. CHAFEE. All right, fine.

The PRESIDING OFFICER. The Senator from the great State of Ohio is recognized for 10 minutes.

Mr. DEWINE. I thank my colleague and thank the Chair.

This amendment has received a great deal of attention from the editorial boards across this country. I would like just to read excerpts from several of them because I think their reasoning is quite good.

Let me cite first the Austin American Statesman, October 30:

Let's say it one more time: DWI laws don't have a thing to do with prohibition,

partying, or Puritanism. They aren't intended to interfere with anyone's right to drink alcohol socially or antisocially, responsibly or irresponsibly, in vast or moderate quantities. The law just asks drinkers not to operate heavy machinery on the States' roads and highways while under the influence of alcohol.

The Baltimore Sun:

You're driving on the beltway. The motorist in the next lane consumed four beers during the past hour. To paraphrase Clint Eastwood, "Do you feel lucky?" Amazingly, that tipsy driver may be within his legal rights.

And they end up:

Four drinks in one State makes you no less drunk than four drinks in another State. The abundant evidence justifies a national response.

The Omaha World-Herald:

Yes to a national drunk driving law. Congress uses the threat of withheld funds too often, in our opinion, to force its will upon the States. In this case, however, the States would merely be required to set an intoxication standard that reflects research on how alcohol affects driving.

That is the Omaha World-Herald, October 29.

The Wall Street Journal said this:

Safe alcohol levels should be set by health experts, not the lobby for Hooters and Harrah's. The Lautenberg-DeWine amendment isn't a drive toward prohibition, but an uphill push toward health consensus.

The Toledo Blade:

Complaints from the beverage industry that the new limits would target social drinkers and not alcoholics are ridiculous and dangerous. All that matters is whether the person behind the wheel has had too much to drink. Whether he or she is a social drinker is irrelevant.

Finally, New York Newsday:

It should be obvious that cracking down on drunk driving is an urgent matter of health and safety. The attack is not against drinking; it's against drinking and driving.

Mr. President, my colleagues have said it very, very well. My colleague from North Dakota a few moments ago said it well. He says it is not complicated. It is not complicated how you reduce auto fatalities. This is an easy way to save lives. And this is a way that will save lives.

At 10:30 tomorrow morning we are going to have a chance to do something very simple. We are going to have the chance to come to this floor and cast a yes vote on this amendment. It is one time when we will know the consequences of our act. And the consequence of that act, if we pass this, if it becomes law, will be simply this: Fewer families will have their families shattered, fewer families will have their lives changed forever. That is what the loss of a child or loss of a mother or father to drunk driving does—it changes your life forever.

We will save some families from that tragedy. We will never know who they are. They will never know. But we can be guaranteed that we will have done that and done that much tomorrow morning. This is a very rational and reasonable proposal. I say that because it sets the standard at .08.

I will repeat something I said a moment ago—and I am going to continue to state it because I think it is so important—and that is: No one, no expert who has looked at this believes that someone who tests .08 has not had their driving ability appreciably impaired. No one who has looked at this thinks that someone who tests .08 should be behind the wheel of a car. If any of my colleagues who might be listening doubt that, tonight or early tomorrow morning—we all know police officers; we all know people who have been in emergency rooms; we all know people who have seen DUIs and who know who they tested—pick up the phone and call one of your police officers.

Pick up the phone and call a member of the highway patrol who may have picked up someone, who has picked up probably dozens of people who have been drinking and driving, and ask them if, in their professional opinion, they think someone who tests .08 or above has any business being behind the wheel of a car. I will guarantee you, the answer will be unanimous.

The fact is, the more someone knows about the subject, the more adamant they will be about that. I became involved in this issue a number of years ago when I was an assistant county prosecuting attorney. One of my jobs was to prosecute DUI—DWI cases we used to call them in those days.

I can tell you from my own experience, someone who tests .08—and I have seen the videotape, as they say. I have seen the replays. I have seen the tapes that are taken right before the person takes the test. And I have compared those videotapes where you can see the person staggering, you can see the person's speech slurred, you can see their coordination impaired. I compared that with the tests. I will tell you from my own experience in observing, a person at .08 absolutely, no doubt about it, should not be behind the wheel.

Look what other countries have done. Senator LAUTENBERG showed the chart. Canada, Great Britain, Australia, Austria, all at .08 or below. This is a rational and reasonable thing to do. It is reasonable, as Ronald Reagan said, to have some minimum national standards that assure highway safety.

We live in a country where we get in a car and we think nothing of crossing one, two, three, four, five State lines, and we do it literally all the time. There ought to be some national standard, some floor, some assurance when you put your child in a car, when you get in the car with your wife and your loved ones, some assurance that whatever State you are in, wherever you are driving, that level is .08. That is a rational floor. It is a rational basis.

Again, despite all the scientific evidence, despite all the arguments, still there are some who would say this bill is an attack against social drinkers; this amendment will mean if I have two beers and a pizza I will not be able to drive. That is simply not true. All

the scientific data, all the tests, all the anecdotal information tells us that is simply not true.

Let me again go back and repeat what the scientific data shows. It shows that when a male weighing 160 pounds has four drinks in an hour—it takes four drinks on an empty stomach in an hour for that adult male at 160 pounds to reach the .08 level. I don't think anyone believes that person should be behind the wheel, and I don't think there is anyone in this Chamber who will turn their child over to that person.

Mr. President, again we will have the opportunity tomorrow to save lives. I urge my colleagues to cast a "yes" vote on the Lautenberg-DeWine amendment. It will, in fact, save lives.

I yield the floor.

Mr. CHAFEE. Now, Mr. President, we have made valiant efforts to get the opponents of this measure here. We have given them every chance in the world. They have not shown up. Any opponents who want to speak will have half an hour tomorrow to speak.

I therefore propose that we close shop here.

#### MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

#### THE GOVERNMENT SECRECY ACT

Mr. LOTT. Mr. President, I am pleased to join with the distinguished Minority Leader, the distinguished Chairman of the Foreign Relations Committee and with the distinguished Senator from New York, Mr. MOYNIHAN. Both Senator MOYNIHAN and Senator HELMS served with distinction on the Commission on Protecting and Reducing Government Secrecy. They are to be congratulated for their efforts. Senator MOYNIHAN and I have spoken repeatedly about his commitment to declassifying information while protecting legitimate secrets.

S. 712, the Government Secrecy Act of 1997, is a complex piece of legislation. Chairman THOMPSON has already held a hearing in the Governmental Affairs Committee. Other committees have legitimate and appropriate concerns about elements of this legislation, including Foreign Relations, Judiciary, Armed Services and the Select Committee on Intelligence on which I serve as an ex officio member. Their concerns should be addressed as we move through the legislative process.

I also have a number of concerns that I hope are addressed as the committees consider this legislation. I am concerned about allowing judicial review of executive branch classification decisions. I do not think it is wise or necessary to allow judges to second-guess