

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

The unanimous consent agreement, as modified, is as follows:

I ask unanimous consent that, with the exception of the Byrd amendment on bilateral trade which will be disposed of this evening, that votes occur on the other amendments listed in that Order beginning at 9:30 A.M. on Thursday, July 13, 2000.

I further ask unanimous consent that, upon final passage of H.R. 4205, the Senate amendment, be printed as passed.

I further ask unanimous consent that, following disposition of H.R. 4205 and the appointment of conferees the Senate proceed immediately to the consideration en bloc of S. 2550, S. 2551, and S. 2552 (Calendar Order Numbers, 544, 545, and 546); that all after the enacting clause of these bills be stricken and that the appropriate portion of S. 2549, as amended, be inserted in lieu thereof, as follows:

S. 2550: Insert Division A of S. 2549, as amended;

S. 2551: Insert Division B of S. 2549, as amended;

S. 2552: Insert Division C of S. 2549, as amended; that these bills be advanced to third reading and passed; that the motion to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

Finally, I ask unanimous consent with respect to S. 2550, S. 2551, and S. 2552, that if the Senate receives a message with respect to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two houses; that the Chair be authorized to appoint conferees; and that the foregoing occur without any intervening action or debate.

MORNING BUSINESS

Mr. WARNER. Mr. President, if there is nothing further on the authorization bill, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

VICTIMS OF GUN VIOLENCE

Mr. DASCHLE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 12, 1999:

Craig Briskey, 15, Atlanta, GA; Deleane Briskey, 33, Atlanta, GA; Torsha Briskey, 16, Atlanta, GA; Darius Cox, 31, Baltimore, MD; Willie Dampier, 31, Lansing, MI; Albert Fain,

25, Cincinnati, OH; Victor Gonzalez, 20, Holyoke, MA; Larry W. Gray, 52, Memphis, TN; Arvell Henderson, 28, St. Louis, MO; Essie Hugley, 37, Atlanta, GA; Wardell L. Jackson, 19, Chicago, IL; William Kuhn, 25, Pittsburgh, PA; Antoine Lucas, 9, Atlanta, GA; David Antonio Lucas, 13, Atlanta, GA; Edgar McDaniel, 34, Atlanta, GA; Sims Miller, 32, St. Louis, MO; Erica Reyes, 20, Holyoke, MA; Darryl Solomon, 28, Detroit, MI; James Sweeden, 48, Dallas, TX; Anthony White, Detroit, MI; Darrell Lewis White, 28, Memphis, TN; Unidentified male, 15, Chicago, IL.

Deleane Briskey from Atlanta was one of six people I mentioned who was shot and killed one year ago today. On that day, her ex-boyfriend burst into her home, killed her, her sister and four of her six children. The gunman then shot and wounded her 11-year-old son Santonio, who was hiding in a closet, before turning the gun on himself.

The time has come to enact sensible gun legislation. These people, who lost their lives in tragic acts of gun violence, are a reminder of why we need to take action now.

INTEGRATED GASIFICATION COMBINED CYCLE (IGCC) SYSTEM

Mr. SPECTER. Mr. President, Air Products & Chemicals, Inc. of Allentown, Pennsylvania and an industrial team are developing a unique oxygen-producing technology based on high-temperature, ion transport membranes (ITM). The technology, known as ITM Oxygen, would be combined with an integrated gasification combined cycle (IGCC) system to produce oxygen and electric power for the iron/steel; glass, pulp and paper; and chemicals and refining industries. The ITM Oxygen project is a cornerstone project in the Department of Energy's (DOE) Vision 21 program and has the potential to significantly reduce the cost of so-called "tonnage oxygen" plants for IGCC systems.

Working in partnership with DOE's National Energy Technology Laboratory, the first of three phases of this \$24.8 million, 50 percent cost-shared research program will be completed in September 2001. Research and development conducted as part of phase 1 of the ITM Oxygen program has addressed the high-risk materials, fabrication and engineering issues needed to develop the ITM Oxygen technology to the proof-of-concept point. In phase 2, a full-scale ITM Oxygen module will be tested and will be followed by further scale-up to test the production and integration of multiple full-scale ITM modules. In the final phase, a pre-commercial demonstration unit will be designed, constructed, integrated with a gas turbine and tested at a suitable field site. At the end of phase 3, it is expected that sufficient aspects of the technology will have been demonstrated to enable industrial commercialization.

I thank the Senator from Washington for adding \$3.2 million to Department

of Energy's IGCC. I also understand that the House of Representatives added \$3.2 million to the FY01 budget request for IGCC without designating any one project to receive the increased funding. As part of its FY01 budget, DOE requested \$2.2 million as part of its \$32 million IGCC budget to complete phase 1 of ITM Oxygen.

Now I would urge the Department of Energy and the National Energy Technology Laboratory to provide \$2 million of the \$3.2 million as an increase to the FY01 budget request for IGCC to allow the programs second phase to begin in FY01. This additional funding would allow the ITM Oxygen team to have a smooth transition to the program's second phase and to level over future years the DOE cost share needed to maintain the program's schedule. This additional funding would also allow the ITM Oxygen team to make an early commitment to accelerate construction of the test facility and the full-scale ITM Oxygen module. Accelerating this program makes sound business sense. Now I am confident that DOE and the National Energy Laboratory will have the funding to do this. I urge them to work with the ITM Oxygen team and make it happen.

JUDICIAL NOMINATIONS IN THE 106TH CONGRESS

Mr. LEAHY. Mr. President, I am concerned at the continuing lack of any real, strong effort to confirm Federal judges this year compared to the situation in the last year of President Bush's term in office with a Democratic controlled Senate. We confirmed 66 judges—actually confirmed judges and had hearings right through September. Now we have very, very few hearings.

While I am glad to see the Judiciary Committee moving forward with a few of the many qualified judicial nominees to fill the scores of vacancies that continue to plague our Federal courts, I am disappointed that there were no nominees to the Court of Appeals included at this hearing. I have said since the beginning of this year that the American people should measure our progress by our treatment of the many qualified nominees, including outstanding women and minorities, to the Court of Appeals around the country. The committee and the Senate are falling well short of the mark.

With 21 vacancies on the Federal appellate courts across the country, and nearly half of the total judicial emergency vacancies in the Federal courts system in our appellate courts, our courts of appeals are being denied the resources that they need. Their ability to administer justice for the American people is being hurt. There continue to be multiple vacancies on the Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. The vacancy rate for our courts of appeals is more than 11 percent nationwide—and that does not begin to take into account the additional judgeships requested by the

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-