

from Louisiana. Having been a Governor, I understand what the Federal Government can do to you or for you.

What we are trying to do now is to dump this problem off onto the States. It is the biggest unfunded mandate that I have seen in all the time I have been here. Just send the package down there minus 20 or 30 percent and say we have cut the budget and we sent all our problems to the States. The States now can do whatever they want to. And I can see a Governor out there having an opportunity to use some of this money that would be very politically helpful to him or to her. The welfare and the welfare program in the various and sundry States would not be helped.

This is a question that everybody has read. People want welfare reform. They want it done sooner than later. But the idea of sooner, of just saying we are going to send it all down to the States and we are going to cut 20 to 30 percent of the funding and let the States have at it, I think, is the wrong attitude.

We all need to sit down because I think all of us, both Democrat and Republican, would like to come up with a reasonable solution to welfare reform. If we can do that, that will be, I think, a star in the crown of the 104th Congress.

I urge my colleagues to sit down with us and try to work out something that would be acceptable. I think we have a good package. If it is passed, I think it would be helpful to the future. There would be other good ideas. So let us put them in the same basket.

I thank the Chair.

#### NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The Senate resumed with the consideration of the bill.

##### PRIVILEGE OF THE FLOOR

Mr. CHAFEE. Mr. President, I ask unanimous consent that Erica Gumm, an intern from Senator DOMENICI's office, be granted floor privileges during the Senate's consideration of S. 440, the highway bill.

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

##### AMENDMENT NO. 1432

Mr. CHAFEE. Mr. President, on behalf of Senator INHOFE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Rhode Island [Mr. CHAFEE], for Mr. INHOFE, proposes an amendment numbered 1432.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert:

##### SEC. . QUALITY THROUGH COMPETITION.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b)(2) title 23.

United States Code, is amended by adding at the end the following new subparagraphs:

“(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of the Code of Federal Regulations.

“(D) INDIRECT COST RATES.—In lieu of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm's indirect costs rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rare data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

“(E) EFFECTIVE DATE/STATE OPTION.—Subparagraphs (C) and (D) shall take effect upon the date of enactment of this Act, provided, however, that if a State, during the first regular session of the State legislature convening after the date of enactment of this Act, adopts by statute an alternative process intended to promote engineering and design quality, reduce life-cycle costs, and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraph shall not apply in that State.”

Mr. CHAFEE. Mr. President, this amendment by the Senator from Oklahoma would require that any contract awarded with Federal aid funds accept overhead rates established in accordance with Federal acquisition rules. We are currently in a situation where we have duplication on the audits on these highway situations. The amendment of the Senator from Oklahoma would provide that the Federal System would prevail as to what is proper overhead rates.

So, Mr. President, this is an amendment that has been cleared with the Democratic side. I believe it is acceptable to all.

Mr. BAUCUS. Mr. President, I have looked at the amendment. I have examined it. I support it. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oklahoma.

So the amendment (No. 1432) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

##### AMENDMENT NO. 1433

(Purpose: To clarify the intent of Congress with respect to the Federal share applicable to a project for the construction, reconstruction, or improvement of an economic growth center development highway on the Federal-aid primary, urban, or secondary system)

Mr. CHAFEE. Mr. President, on behalf of Senators JEFFORDS and LEAHY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. JEFFORDS, for himself and Mr. LEAHY, proposes an amendment numbered 1433.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

##### SEC. . FEDERAL SHARE FOR ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS.

Section 1021(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) (as amended by section 417 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-388; 106 Stat. 1565)) is amended—

(1) in paragraph (2), by striking “and” at the end and inserting “or”; and

(2) in paragraph (3), by striking “section 143 of title 23” and inserting “a project for the construction, reconstruction, or improvement of a development highway on a Federal-aid system, as described in section 103 of such title (as in effect on the day before the date of enactment of this Act) (other than the Interstate System), under section 143 of such title”.

Mr. JEFFORDS. Mr. President, this amendment is a technical correction to the current law regarding highways in Economic Growth Centers [EGC]. The amendment simply allows programs already approved for EGC funding to continue to receive this level of support.

The EGC program was authorized by title 23, United States Code [USC], section 143, for projects on the Federal-aid systems other than the Interstate System. Under 23 USC 120(k), the Federal share for EGC projects financed with regular Federal-aid funds were 95 percent. However, in 1991, Congress passed the Intermodal Surface Transportation Efficiency Act [ISTEA], which eliminated the Federal-aid systems and replaced it with National Highway System, which we are debating today. In

addition, ISTEA eliminated 23 USC 120(K).

During debate over the Department of Transportation's Appropriations Act of 1993 my amendment to restore the 95 percent Federal funding ratio for previously approved EGC projects was accepted. However, because of the change ISTEA made in referring to Federal-aid systems, the amendment, as interpreted by the Department of Transportation, did not apply.

The amendment I am offering today will grandfather those EGC projects that have already been approved for EGC ratio funding. My understanding is that there are roughly 19 projects in the State of Vermont, all located in the Barre/Montpelier area or in Burlington.

In discussions with the Department of Transportation, we have been assured that this language will guarantee 95 percent Federal funding for these few EGC projects in Vermont.

Mr. LEAHY. Mr. President, I rise today to speak on behalf of a small program that has a large impact in my home State of Vermont. Federal economic growth centers are designated by Vermont's Agency of Transportation as areas that receive Federal funds with a reduced local matching requirement.

This program allows various small communities in Vermont to upgrade roads, sidewalks, and bridges that would otherwise be unaffordable. Most transportation projects are funded with an 80-percent Federal share, and a 20-percent State and local share. Economic growth centers are funded with a 95-percent Federal share, a 3-percent State share, and a 2-percent local share. This low local contribution allows communities such as Barre, VT, to undertake the North Main Street project, which upgrade roads, improve pedestrian facilities, handicapped accessibility, and enhance traffic signals.

Today there are 18 other similar projects across my State that are either receiving EGC funding or are scheduled to. From Burlington to Rutland, this program benefits Vermont.

However, if the National Highway System bill is approved in its current form, then many of these Vermont projects will revert to the less generous Federal funding formula. This would be disastrous for projects like the one in Barre. That is why I am offering an amendment with Senator JEFFORDS that maintains the current funding status. I urge its adoption.

Mr. CHAFEE. Mr. President, this Jeffords-Leahy amendment deals with economic growth center cost sharing. This amendment is a technical correction which amends title 23 by striking the words "Federal-aid system" each place they appear and inserting the words "Federal-aid highways." Section 143 of ISTEA contains outdated language referring to the Federal-aid system which ISTEA failed to amend. The term "Federal-aid system" limits use of the 95 percent Federal share and 5

percent State share to economic growth projects on the National Highway System.

Mr. President, this amendment has been cleared with the other side, and I believe it is acceptable to all.

Mr. BAUCUS. Mr. President, as the distinguished chairman mentioned, this is a technical amendment. It clarifies that the Federal share be applied to economic growth centers. We urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1433) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1434

(Purpose: To permit the full implementation of a border city agreement by exempting vehicles using certain routes between Sioux City, IA, and the borders between Iowa and South Dakota and between Iowa and Nebraska from the overall gross weight limitation applicable to vehicles using the Interstate System and by permitting longer combination vehicles on the routes)

Mr. BAUCUS. Mr. President, I have an amendment which I offer on behalf of the distinguished minority leader, Senator DASCHLE, Senator HARKIN, and Senator KERREY. It would allow South Dakota, Nebraska, and Iowa to update what are called border city agreements. These were agreements that were first reached in early 1970's allowing certain trucks from North Dakota and Nebraska to travel on a 3- to 5-mile stretch of interstate highway to enter Sioux City, IA.

Due to restrictions on weight and truck configurations in the current Federal law, however, Iowa is no longer allowed to honor existing agreements or to enter into new updated ones. This amendment does not require any State to change its current policies. Rather, it waives the Federal provisions that prevent these States from entering into agreements they consider to be in their mutual best interests.

I see no reason to oppose this amendment, Mr. President. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. DASCHLE, for himself, Mr. HARKIN, and Mr. KERREY, proposes an amendment numbered 1434.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

#### SEC. 1 . VEHICLE WEIGHT AND LONGER COMBINATION VEHICLES EXEMPTION FOR SIOUX CITY, IOWA.

(a) VEHICLE WEIGHT LIMITATIONS.—The proviso in the second sentence of section 127(a) of title 23, United States Code, is amended by striking "except for those" and inserting the following: "except for vehicles using Interstate 29 between Sioux City, Iowa, and the border between Iowa and South Dakota and vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for".

(b) LONGER COMBINATION VEHICLES.—Section 127(d)(1) of title 23, United States Code, is amended by adding at the end the following:

(F) IOWA.—In addition to vehicles that the State of Iowa may continue to allow to be operated under subparagraph (A), the State of Iowa may allow longer combination vehicles that were not in actual operation on June 1, 1991, to be operated on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota and Interstate 129 between Sioux City, Iowa, and the border between Iowa and Nebraska."

Mr. BAUCUS. Mr. President, this is the amendment I just described. I think it has been agreed to by the majority side. I urge its adoption.

Mr. CHAFEE. Mr. President, the distinguished ranking member of the committee is exactly right. This amendment permits Iowa to continue allowing bigger and heavier trucks coming from South Dakota and Nebraska to enter Sioux City, IA, on I-29 and I-129, even though these trucks are bigger than are permitted on the general highways of Iowa. This has been cleared and has the approval of the Senators from Iowa. Apparently, Sioux City, IA, is just over the border in some fashion so that the trucks from South Dakota pull in there.

So, Mr. President, indeed, it has been cleared by this side.

Mr. DASCHLE. Mr. President, this amendment is offered on behalf of Senators from the three States affected by it: the Senator from Iowa [Mr. HARKIN], the Senator from Nebraska [Mr. KERREY], and myself.

This amendment repairs a breakdown in Federal highway laws that prevents the free flow of trade between our three Midwestern States, allowing South Dakota, Nebraska, and Iowa to update border city agreements that were first reached in the early 1970's. These agreements allow certain trucks from South Dakota and Nebraska to travel on a 3- to 5-mile stretch of interstate highway to enter Sioux City, IA.

Due to restrictions on weight and truck configurations in current Federal law, Iowa is no longer allowed to honor existing agreements or to enter into new, updated ones. These Federal policies impede the flow of interstate commerce between our States.

The governments of each of our three States support the approach taken in this amendment to free up the open market for trade with each other. Yet, the U.S. Department of Transportation has indicated that it does not have the authority under the law to waive Federal restrictions, even though it may be appropriate to do so.

Our amendment does not require any State to change its current policies. Rather, it waives Federal restrictions that prevent these States from entering into agreements they consider to be in their mutual best interest.

Businesses in all three States have paid the price since the border city agreements were disrupted by Federal regulation. One example is the movement of livestock into Sioux City, IA, stockyards from Nebraska and South Dakota. Vehicles that exceed Iowa's legal weight limit of 80,000 pounds must either light-load their vehicles or truck their livestock to terminals farther away. This increases the costs for ranchers and hurts the Sioux City stockyards.

In addition, longer combination vehicles that are permitted to operate in South Dakota but not in Iowa cannot cross State lines for the short trip to the Sioux City stockyards. They are instead forced to uncouple and leave part of their load at the South Dakota border, only to later return and make another trip to complete delivery to Sioux City.

The Daschle-Harkin-Kerrey amendment would permit our States to update their border city agreements. It places a simple waiver in statute so that trucks can once again travel unimpeded from the Siouxland tristate area into Sioux City, IA.

This problem stems from Federal regulations that require most States to prohibit divisible loads with a gross weight limit in excess of 80,000 pounds on interstate highways. States that authorized heavier loads in effect in 1956 were grandfathered, or allowed to keep those rights.

While Iowa did not allow heavier loads in 1956, South Dakota and Nebraska did. This was not a problem, however, because border city agreements were reached in the area that allowed for heavier trucks from South Dakota and Nebraska to drive into Sioux City.

The ISTEA of 1991 added a similar restriction on longer combination vehicles that contained a grandfather clause that did not take into account these border city agreements.

The Federal Government should not disrupt the free flow of trade between these States. The State legislatures in both South Dakota and Iowa approved resolutions calling on Congress to correct this problem. These agreements are supported by the departments of transportation in all three States. The U.S. Department of Transportation does not oppose restoring these agreements—it simply claims to lack the authority to do so.

Mr. President, our amendment addresses a classic example of Federal overregulation of business. It corrects the kind of problem that makes people fed up with the Federal Government, and we should correct it today. Truly, the Federal Government was established in 1789 to promote commerce among the States, not to impede it.

This amendment is needed to provide a commonsense solution to a real problem, and to restore public confidence in our ability to reduce overregulation.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1434) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1435

(Purpose: To revise the authority for a congestion relief project in California.)

Mr. BAUCUS. Mr. President, I have another amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mrs. BOXER, proposes an amendment numbered 1435.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

#### SEC. 1. REVISION OF AUTHORITY FOR CONGESTION RELIEF PROJECT IN CALIFORNIA.

Item I of the table in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2029) is amended by striking "Construction of HOV Lanes on I-710" and inserting "Construction of automobile and truck separation lanes at the southern terminus of I-710".

Mr. BAUCUS. Mr. President, this is another technical amendment. This one clarifies that the State of California use previously authorized funds for construction of automobile-truck separation lines. This is a very technical amendment. I do not think it needs further explanation. I urge the Senate to agree to it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. Mr. President, the Senator from Montana is exactly right. It has the approval of those on this side. We are supportive of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1435) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

#### AMENDMENT NO. 1436

(Purpose: To provide that if a certain route in Wisconsin is designated as part of the Interstate System, certain vehicle weight limitations shall not apply)

Mr. BAUCUS. Mr. President, I send an amendment to the desk on behalf of Senator KOHL of Wisconsin, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. KOHL, proposes an amendment numbered 1436.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

#### SEC. 1. APPLICABILITY OF CERTAIN VEHICLE WEIGHT LIMITATIONS IN WISCONSIN.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of enactment of this subsection."

Mr. KOHL. Mr. President, I rise today to offer a brief explanation of the amendment offered on my behalf by my colleague, Senator BAUCUS. The amendment that was accepted by the managers of the bill addresses a problem that is critical to north central Wisconsin, but it does so in a way that does not upset the balance and symmetry of this important piece of legislation.

Specifically, my amendment relates to a 104-mile portion of U.S. Highway 51—also known as Wisconsin State Highway 78. Highway 51 connects population centers and industries located in north central Wisconsin with markets to the south. Wisconsin has recently completed the improvements necessary to bring Highway 51 up to interstate standards, and interstate shields will soon be erected.

However, a Federal exemption to insert weight requirements is required to allow continued operation of overweight commercial vehicles that currently use Highway 51. Overweight vehicles currently operate on this stretch

of highway under State permits, but they would be forced off the road once the highway is designated as an interstate.

U.S. 51 is the only four lane north-south road serving this area. All other roads are secondary two lane State highways. Forcing large trucks onto these narrower—and more winding—secondary roads raises greater safety—and durability—concerns. The secondary roads that would be affected are small country roads that have never had large truck traffic. Who knows what sort of damage these huge vehicles could do?

Highway 51 has handled large truck traffic safely and efficiently for many years and a weight exemption would allow continued use of this safe and efficient route.

The weight exemption is also critical to a number of industries that contribute to the continued economic development of north central Wisconsin, including the manufacturing, pulp and paper, farming, food processing, dairy, livestock, refuse, garbage, recycling, and coal industries. Many Wisconsin communities and businesses, both small and large, will benefit from the adoption of this amendment.

Mr. President, before I yield the floor I would like to thank the bill managers—chairman CHAFEE and Senator MOYNIHAN—for their assistance and consideration. Let me also express my gratitude to Senator BAUCUS for his advice and assistance in offering the amendment. Finally, I thank my good colleague from New Jersey—Senator LAUTENBERG—for his guidance in this matter. Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, this amendment, offered by the Senator from Wisconsin [Mr. KOHL], would grandfather the current truck size and weight limitations on a segment of a Wisconsin highway that will shortly become part of the interstate system.

We have done this in a couple of other parts of our country. It is only appropriate that this section of interstate highway in Wisconsin also receive the same treatment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, this side supports the amendment. I had a call from the Governor of Wisconsin yesterday in support of the amendment, and there is no objection to it, that I know of, on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1436) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mr. INHOFE. Mr. President, I guess this is for the purpose of an inquiry. It is my understanding that the amendment we had that would change the procedure and offer more latitude in terms of avoiding duplication in preaward audits has already been taken up.

Mr. CHAFEE. The Senator is correct, his amendment went flying through.

Mr. INHOFE. I thank the Senator very much. I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1437

Mr. SMITH. Mr. President, I have an amendment, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. GREGG, Ms. SNOWE, Mr. CAMPBELL, Mr. KEMPTHORNE, and Mr. THOMAS, proposes an amendment numbered 1437.

Mr. SMITH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

**SEC. . ELIMINATION OF PENALTIES FOR NON-COMPLIANCE WITH MOTORCYCLE HELMET AND AUTOMOBILE SAFETY BELT REQUIREMENTS.**

Section 153 of title 23, United States Code, is amended—

- (1) by striking out subsection (h); and
- (2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

Mr. SMITH. Mr. President, section 153 of the Intermodal Surface Transportation Efficiency Act, better known by the acronym ISTEA, penalizes States that refuse to enact mandatory motorcycle helmet and automobile seatbelt laws. In other words, if a State chooses not to enact a mandatory seatbelt or mandatory motorcycle helmet law, they are penalized and they are penalized very substantially.

The amendment that I am offering, along with Senators GREGG, SNOWE, CAMPBELL, KEMPTHORNE and THOMAS would simply repeal the penalties on the States. It does not affect any State that has already adopted these laws. It does not interfere with that in any way. It has no effect on any State whatsoever that has adopted a mandatory helmet or seatbelt law.

But what it does do is repeal the penalty on any State that has not enacted such a mandatory use for its riders, either in automobiles or on motorcycles. So, again, lest the debate get misdirected, this does not affect any State law whatsoever.

This section of current law sanctions States, or penalizes States, that do not enact mandatory motorcycle helmet

and seatbelt laws by—this is how it is done—diverting scarce highway maintenance and construction funds to their safety funds, even if that does not make any sense to do because they are already spending money into safety programs.

So, in other words, the penalties are assessed regardless of whether your State already has a safety program that is adequately funded toward both helmet and seatbelt usage, irrespective of your State's safety record. So if your State spends more than an adequate amount on training, on safety for the use of seatbelts and/or helmets, has a good safety record, it still gets penalized because it does not have a mandated helmet or seatbelt law. In fact, 28 States suffered this penalty, this current fiscal year.

Twenty-five States will suffer a doubling of this penalty, come October, in the State of New Hampshire, for example, we were penalized nearly \$800,000 this year. That will double to \$1.6 million next year. That is almost \$1 for every man, woman, and child in the State of New Hampshire.

Nationally, this penalty translates into \$48 million not spent on needed highway improvements this year, and \$97 million that will not be spent next year and every year thereafter.

I think it is fiscal blackmail. If we look at the list of these States and look down the list, in many cases, the penalties double. They are very substantial. Some run as high as over \$4 million. For example, in the State of Ohio, the current penalty is \$4.6 million and that doubles to over \$9 million in 1996.

I would just ask a question. In this era of where we are trying to provide for more States rights, more individual freedom, why would we want to penalize a State by taking away several million dollars—\$97 million in total of all the States, \$800,000 in New Hampshire, \$9 million in Ohio, to use two examples. Why would we want to do that and insist they spend money for safety, or not get the money at all, when they already have the safety program that is necessary?

A person might say, it would be reasonable to allow those States to spend and to fix roads, to repair potholes, to repair bridges. That might be worth the effort. That is true. But that is too reasonable. That does not happen. If they do not spend it on the safety programs that they do not need, they do not get the money, and they are penalized.

Mr. President, I am not here to debate the merits of whether you wear a seatbelt or a motorcycle helmet. I do not ride a motorcycle. One of my colleagues does and he will be speaking to that in a moment. I do wear a seatbelt. That is my choice.

In fact, I am a strong supporter about educating the public on the benefits of wearing a seatbelt and a motorcycle helmet. The State of New Hampshire already requires seatbelt usage for

children up to 12 and motorcycle helmets for passengers up to 16 years old. The sanctions still apply, unless the State has a mandatory law for everyone.

The argument has been made that taxpayers should be concerned about the amount of money spent on Medicare and Medicaid for injuries related to motorcycle accidents. This argument assumes a higher percentage of motorcycle riders are covered by Medicaid than the average citizen. I know Senator CAMPBELL will speak to that shortly.

I would just say at this point that is not true. On average, motorcycle riders have no great reliance on Medicaid than anybody else. I think that is a misnomer.

Furthermore, I would be happy to join any of my colleagues who are interested in reforming Medicare and Medicaid programs in order to save the taxpayers' dollars and maintain their solvency for future generations. I do not think that is the issue.

The administration has tried to make a case for maintaining the sanctions for the benefit of society and taxpayers. What next? Will we decide that convertible cars are more dangerous and therefore we should ban them? Should small cars such as Miatas or Alfa Romeos be banned because they are less safe in accidents than, say, a pickup truck or a van? Should the Federal Government limit Medicare and Medicaid to individuals who smoke? Who are police officers? Who are firemen? Bridge builders? Window washers? Should we limit Medicare and Medicaid to those people that lead a riskier life? I do not think so.

All we are talking about here is a person's voluntary right to wear a seatbelt, and voluntary right to wear a helmet. Maybe I am exaggerating to make a point which is how far should the Federal Government be allowed to reach into people's lives, or tell States what laws they will have on their books?

Frankly, this could cost lives, Mr. President. If we took the State of New Hampshire, the \$800,000—and the Senator who is sitting in the chair at the moment, my colleague from New Hampshire, knows full well some of the rural roads we have in our States are full of potholes, and \$800,000 could fix a lot of them.

Now, how many accidents happen because somebody loses control of an automobile, hitting a bad pothole or hitting some other portion of a road that needs repair? The truth of the matter is that New Hampshire cannot spend that \$800,000 on the pothole repairs, because they have to use the \$800,000 to create additional personnel for safety that they do not need because they already have an adequate safety program, more than adequate, more than the demand even calls for.

The whole thing is ridiculous. Again, it is the paternalistic attitude of Big Brother.

The real issue is whether Washington's micromanagement, of what should be dealt with at the State and local level, should continue. That is the issue. States should have the flexibility to devote the highway funds where they think they make the most sense, whether it be protecting public safety by improving those roads and bridges and traffic flow or through highway education. Frankly, in most cases, it is both. Let the States make that determination.

In fact, in the State of New Hampshire, which does not have a mandatory helmet or a seatbelt law, it has one of the best highway records in the Nation. One of the most safe, as far as fatalities per million miles traveled.

The New Hampshire legislature recognizes the need for improving motorcycle safety, and as a result, the Motorcycle Rider Education Program was enacted in 1989. Since then, more than 4,000 riders have gone through the program.

Educational programs like this certainly play an important role in increasing highway safety, and I believe the States have the expertise and know-how to develop their own programs, thank you, without the Federal intimidation or Federal intervention or Federal heavy hand. States will say they are in a better position to address safety concerns. They are.

During a hearing in the Environment and Public Works Committee, we received testimony from such States as Florida, Idaho, Montana, South Dakota, New Hampshire, and Wyoming, all with the same message: Let the States decide how to address highway safety. They all oppose the use of Federal sanctions to pressure States to enact laws against their will.

Furthermore, dictating how States spend their highway funds infringes on their ability to control their own budgets, resulting sometimes in misdirected and wasted resources.

Let me just give an illustration. Our New Hampshire highway safety coordinator has complained as a result of the mandated transfer of funds to his existing \$550,000 budget, he has more money than he knows what to do with. He cannot spend it for safety. More there than he needs. It is hard to imagine that a government official is actually complaining about having too much money, but we are pretty independent in New Hampshire. Frankly, we tend to tell the truth when the truth needs to be told.

That is the reality. They do not want to go out and create another level of bureaucracy in the safety department in the New Hampshire Highway Department because they do not need it. Not because they do not care about safety, not because they do not want to promote safety, but because they do promote safety adequately and they want the funds to go into repairs.

Scarce resources could end up being wasted in these education projects while a section of the road falls in dis-

repair and somebody loses a life as a result of a pothole or some other urgent need.

It does not make any sense, which is why this constant dictating at the Federal level causes problems with our States and with our citizens.

It is this kind of action by the Federal Government that brought our Governors and our local officials to a state of rebellion, frankly, and led to this year's enactment of the unfunded mandates relief bill, one of the first pieces of legislation passed in this Congress.

Last year, the American people also voted for great local control and for relief from heavy-handed Federal mandates. With that in mind, let me conclude for the moment on this point, Mr. President. We should continue the trend of ridding this Washington-knows-best attitude around here, and allow our States, governments, communities, to make the kinds of decisions that they need to make for themselves. A vote for this amendment does not cure everything, but it is a step in the right direction.

I will point out before my critics point it out, we are not about to say here, by passing this amendment, that we are not in favor of safety, that we want people to go out on the motorcycles and not wear helmets and injure themselves and be wards of the State for the rest of their lives, or we want people to go out and not wear seatbelts and cause permanent injuries to themselves.

What we are saying is, we have adequate safety programs in our States, education programs, that indicate to these people that it is unsafe, that it would be better to use a seatbelt and to use a helmet. But if you choose not to, if you choose not to, that is your decision. Your State should not be punished by not receiving dollars that could be used to repair roads and bridges, which is the purpose of the legislation in the first place.

I know my colleagues here wish to speak. At this time I will yield the floor.

THE PRESIDING OFFICER. Who seeks recognition?

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I rise also in support of the amendment proposed by my friend and colleague, Senator Smith. This legislation will provide for a full repeal of the financial penalties established under the Intermodal Surface Transportation Act of 1991 and will provide relief to the 25 States, as he has mentioned.

There are, as my colleagues know, probably going to be three amendments, depending on how the vote goes on the SMITH amendment. But I am just going to make some general statements. If we go on to the next amendments, I will make some others dealing specifically with helmets. But this is not only a burdensome Federal mandate placed on the backs of State legislatures but also an erosion of States rights.

This amendment, by the way, does not require States to repeal any mandatory laws they now have in effect, not seatbelt laws or helmet laws. Strictly speaking, 25 States have refused to be blackmailed by the Federal Government. They have refused to comply with the Federal mandates. In accordance with ISTEA, they are required to transfer very scarce transportation and construction dollars to section 402 safety programs. This shift forces States to spend 10 to 20 times the amount they are currently spending on section 402 safety programs.

As Senator SMITH mentioned, it is money that is not even needed in one program and is badly needed in another, yet they are forced to transfer it from one to another. These penalties are assessed regardless of whether the State already has the funds dedicated to safety programs or not.

This year, these States had to divert 1.5 percent of their Federal highway funding to safety programs. This transfer affects the National Highway System, the Surface Transportation Program, and the Congestion Mitigation and Air Quality Improvement Program. Those States which did not enact seatbelt or helmet laws by September 30, 1994, are required to shift 3 percent of their Federal highway funds from these important programs into safety.

This year \$48 million will not be spent on highways and bridges because of this section 153, as Senator SMITH has mentioned. Clearly, this is a punitive action by the Federal Government against States. The amendment Senator SMITH offers repeals that section.

I, like many people, believe the Federal Government has blackmailed States long enough and forced them to pass laws which may or may not be in the best interests of their citizens but certainly has taken away the right for them to choose what is best for them in their own States, in sort of a one-size-fits-all scenario.

It should not be a question of whether you should or should not wear helmets or whether you should or should not wear seatbelts. The question is who decides, you or the people in your State as elected legislators? Or the Federal Government, which is far removed from many of the people who have to comply with these laws?

The question is, What level of Government regulations becomes too absurd? In my view, that mandate has already reached that point. When the Federal Government starts requiring what you wear for some recreational pursuits, as it is now doing, it has gone too far.

Let us just say for the sake of argument that those on the other side of the issue are right, that in fact seatbelts and motorcycle helmets make people safer. You can find many personal accounts to support either side of the issue. There is no question about that. But clearly neither one prevents accidents. Does that give the Federal

Government the right to force people to wear them? Most people agree that too much exposure to the Sun can cause cancer. Should the Federal Government require all sunbathers to wear sunscreen and threaten the States with withholding Federal money in case people get cancer?

I might also say I come from a State where over a million Americans ski, the State of Colorado. It is a big industry. I would like to point out we have had about five skiers killed on the slopes of Colorado this year. None of them was wearing a helmet. I am a skier and I tell you I would be concerned if the Federal Government decided here in Washington to require everybody who skis to wear a helmet. I think we see the same kind of general direction taken for people riding bicycles or horses or young people who use skateboards or rollerblades. Should we have a Government that dictates what you can wear and what you cannot with your recreation?

There is a thing called a public burden theory that often people use to defend the use of seatbelts and helmets, too. That public burden theory says if you are injured and do not have an insurance policy and do not have the money to pay for your hospitalization, then you become kind of a ward of the Government. That money has to be taken from the taxpayers to provide for your medical services.

There is no study I know of in the United States that says people who do not wear helmets become public burdens any more than anyone else, skiers or bicyclists or rollerbladers or ski boarders or anyone else. When you talk about the public burden I think you can use the same logic for anyone. There is an element of risk in any form of recreation. The question is how many individual rights do we take away in the name of the public burden theory?

In my view, the helmet law mandate has reached that point. We have talked on the floor many times this session about Federal mandates. I think if the voting public said anything to us last fall, it was to relieve them of some of the unfunded mandates, some of the things the Federal Government requires without setting the finances to implement the requirement. The last election certainly was about that.

While it can be argued that mandating these things may be good for American citizens, is it right to have the Federal Government intrude in our lives to that extent? And, where do we draw the line?

In closing, I strongly encourage my colleagues to support the amendment of Senator SMITH and I yield the floor. Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I am very pleased to be able to join Senator SMITH as well as Senator CAMPBELL in support of this amendment. I commend Senator SMITH for offering it because I

do think it underscores a very important point. In fact, as I recall, this Congress and this Senate, when we began in January, the very first issue we addressed was banning unfunded Federal mandates. I cannot think of another issue that represents unfunded mandates more than the one we are currently addressing with this legislation that would take away the mandate on States to enact mandatory seatbelt and helmet laws, and, if they do not, they are penalized by losing 1.5 percent of their transportation funds in 1995 and 3 percent in 1996.

What is unprecedented about that approach, and something that I certainly object to, is saying that States are going to lose existing transportation funds, which will happen this October, if they do not enact both laws. It is not saying if the States enact these laws we will give you additional funds and create an incentive, which has generally been the approach taken by the U.S. Congress in the past on a number of issues, but rather we are penalizing those States with existing transportation funds, which certainly are needed in terms of repairing roads and bridges.

We allow States to determine minimum driving ages for their residents. States have the authority to determine when the driver education courses are required. They determine the difficulty of the written as well as the practical tests. They determine many of the speed limits for various areas. And they determine the various penalties for violations such as driving while intoxicated.

In nearly every aspect of day-to-day driving we trust the individual States to determine the motor vehicle laws that govern the majority of vehicles that are on our highways. In short, the States control every aspect, for the most part, of our driving experience, with one exception. And that is, of course, when the Federal requirements state that States must pass laws to adopt seatbelts and helmet laws.

I do not believe that seatbelt and helmet laws are any different than any other motor vehicle law. We are creating these mandates from a paternalistic attitude, as Senator SMITH indicated. It is certainly outdated. I think the arrogance of that attitude manifested itself in the last election. Somehow we always think Washington knows best, and what Washington knows best and what is good for the States generally can be two different objectives.

I believe these differing perspectives were a critical reason we did address banning unfunded mandates as our very first legislative initiative in this Congress.

No matter how you package this issue, sanctions or penalties or whatever, the truth is it is a Federal requirement that is an unfunded Federal mandate. If you look at the helmet laws—and that is a good example—the States, as Senator SMITH indicated, 25

States will lose almost \$49 million in 1995, and in 1996 they will lose close to \$97 million because they did not adopt seatbelt and helmet laws.

In fact, it is interesting to note that many States already fund rider education programs with respect to riding motorcycles. My State is a very good example.

Yet, I am under these penalties. My State will double the motorcycle rider education safety program from \$500,000 to more than \$1 million. Yet, my State certainly needs these transportation funds for other things. It already has a well funded rider education program. It does not need to have it doubled. That is what the penalty will be under section 153.

It is interesting to note that those 44 States that have rider education programs with respect to motorcycles have very high rates of safety. And they do not have mandatory helmet laws. My State again is a good example. We ranked 49th out of 50 States in terms of the number of fatalities with respect to motorcycles in 1993. We are next to the lowest in the country. Yet, we do not mandate a helmet law, but have a very active motorcycle education program. We know that these education programs work. The State knows that they work.

It is hard to believe that we are saying somehow that the Governors of each and every State and every State legislature somehow are unconcerned and unresponsive to the statistics in what might be happening on their roads and their highways.

As we all know, State governments are even more close to their people and to their constituencies, and somehow we are saying that they cannot possibly understand the implication if they do not enact seatbelt and helmet laws.

The question here today is not whether we believe wearing a seatbelt or a helmet is a good thing. What we are saying is who should decide? And it clearly should not be the Federal Government.

As I said earlier, much of our driving experience is governed and dictated by States. In 1993, there were 2,444 motorcycle fatalities. That same year, there were 5,460 young people between the ages of 16 and 20 that were the victims of traffic fatalities.

So if you apply the logic of section 153 of ISTEA, that it is a safety issue, then one should suggest that penalties should be imposed on those States for allowing individuals to drive a car or ride a motorcycle under the age of 21.

The fact of the matter is there are many dimensions to our personal and social behavior that do have implications for health care expenditures. And I know opponents of Senator SMITH's amendment, or an amendment which I might offer or one which Senator CAMPBELL might offer, are saying that this really has an impact on our health care expenditures. Well, I have to say that there are many aspects of social

behavior in this country that have an impact on our health care costs. Low-fat diet, lack of exercise—if people do not engage in having a good diet or engage in daily exercise, that can be a contributing cause of heart disease, which is a major cause of death in this country.

What should the Federal Government do—dictate a change in behavior in that regard? We could go on and on with some of the numbers of examples that we could offer as to what the Federal Government should get involved in because it has impact on health care. The point is that this legislation that was passed in 1991 really intervened in an area that has traditionally been a State issue.

I hope that we can recognize here today in light of what happened in the last election, in light of what I think people strongly feel about what should be traditionally a Federal issue and what should be consistently a State issue, that we reverse what occurred in 1991.

It is interesting to note that motorcycle fatalities, as well as motorcycle accidents, were reduced by 53 and 54 percent respectively between the time period of 1980 and 1992 before the penalties of ISTEA were put in place. It is because of motorcycle rider education programs that it made a difference in terms of reducing the number of accidents and fatalities.

Applying the logic further, we could say, "Well, the fatality rate on rural interstates is almost twice that of urban interstates." Does that mean we should penalize States with rural interstates because they have more accidents and more fatalities? Of course not.

In 1993, before the Massachusetts seatbelt law went into effect, that State was one of only two States in the country that showed a consistent drop in motor vehicle fatalities for the prior 6 years. Another State which showed a consistent drop was Arizona, which does not have a mandatory helmet law.

All combined, the 28 States that will face penalties if they do not enact both the helmet and seatbelt law will lose a combined \$53 million in needed highway maintenance and improvement funding.

When my State officials were asked exactly how they felt about the loss of money in the State of Maine, which is \$800,000 that we will lose in 1995 and \$1.7 million that we will lose in 1996, the State officials replied that, "We could be spending it on our ailing highways and bridges, where it is desperately needed."

So I hope that we recognize that we should reverse the position that was taken in 1991. We know the States are responsive to these issues, and to these concerns and what occurs on their highways.

My State, for example, is sending to our people the question as to whether or not to enact a seatbelt law. I think that is perfectly consistent with the

rights and the interests of the people of my State. If they make a decision that we should enact a seatbelt law, that should be their decision. But it should not be the Federal Government dictating that approach to the people of my State.

So again, I want to thank Senator SMITH for offering this amendment. I think it is a good amendment. I think it takes the right approach. It is a States rights issue, and it is an issue of unfunded mandates in the State, and every State has a right to determine its own motor vehicle laws.

I yield the floor, Mr. President.

Mr. CHAFEE. Mr. President, I vigorously oppose the amendment that has been offered by the Senator from New Hampshire. I really think it is very, very unfortunate that this amendment has been brought forward because a study that has been conducted on the efficacy and effectiveness of safety belts and motorcycle helmets has come to the conclusion that they are effective.

I have here a letter from the Eastern Maine Medical Center. This is what the physician there has to say about the use of seatbelts.

At Eastern Maine Medical Center here in Bangor, where I am a physician, we have completed a study of the issue of seatbelt use and hospital charges of area Maine patients injured in car accidents with and without seatbelts. Our study shows that patients injured without seat belts had hospital bills almost \$10,000 higher on average than patients injured while wearing seatbelts. We estimate that seatbelts would have saved \$2.4 million in hospital bills for the 256 unbelted patients in our study. Those unnecessary bills were paid by all of us, of course. In the last 2 years of our study, we were able to identify the insurance status of patients admitted after car accident injuries. The medical bills for Medicaid and Medicare patients alone amounted to more than \$2 million. Of the 73 Medicare and Medicaid patients in our study, only 10 were wearing seatbelts at the time of their injuries. We estimate seatbelts would have saved these patients alone \$599,000, nearly \$600,000. This saving of almost \$600,000 would have been in just one hospital, in 2 years, and just 63 patients.

Maine has a seatbelt use of 35 percent, the lowest in the United States. Our low-use rate, which then results in more injuries and higher costs, as we have identified in our study, then forces taxpayers in other States who are required to wear seatbelts, to pay for our freedom to be unbelted in Maine.

Mr. President, a lot of discussion this afternoon has been about unfunded mandates and the Federal Government dictating what takes place.

The answer is twofold. I think as Senators we have a responsibility to do what we can to preserve lives and prevent injuries of American citizens. And it is not enough to say, oh, leave it to the States; let them take care of it.

I will show you a chart in a few minutes that shows what happens when we do leave it to the States.

In 1966, we passed a law in the Federal Government that mandated motorcycle helmets and seatbelts, and in

this chart you will see that once that occurred the number of deaths declined dramatically. Then 10 years after that, in 1976, we repealed that, and up go the deaths. Will the States pass all these laws? Will these wonderful legislators, bold and brave, step up and face up to the motorcyclists who do not want this?

Well, the answer frequently is no.

Now, there is another point I would like to make, Mr. President. That is that the wrong approach here is to have sanctions. The way this law works—and I was instrumental in the writing of the so-called ISTEA legislation, the highway bill of 1990, this portion of it, and what we did was we said you pass a mandatory seatbelt and motorcyclist helmet bill by such-and-such a year, and if you do not, you will have to devote some small portion of your highway money to education and safety features, such as the three Senators have been discussing here this afternoon.

And it was pointed out that that is the wrong way to go; we ought to have inducements, benefits paid, rewards. Well, we do not do that. We have, as you know, a minimum drinking age bill that passed the Senate, and it says you must enact a law that says you cannot serve liquor to those under 21, and if you do not you lose 5 percent of your highway funds, and the next year you lose 5 percent more, making it 10 percent. That is the law.

Now, nobody is advocating repealing that. That is not a benefit that is thrown up: That is the wicked Federal Government coming in and dictating what you have to do. That is Big Brother, as we are accused of being here.

But there is no question that has saved hundreds of lives of the young people of our Nation.

Now, you might say, what right do we have to say anything about motorcyclist helmets or seatbelts. We have a right because we pay the piper. We are the ones who pay Medicaid. And do not tell me that these motorcyclists, when they end up in comas because they do not have helmets, have wonderful insurance policies that take care of them. Those are not the facts. The facts are that very, very frequently they do not, and particularly if they are in a coma for a long period. There is a Rhode Islander in our State hospital who has been there 20 years in a coma, all being paid for by the State, the cost now exceeding over \$2 million to take care of him during the 20 years. And so, Mr. President, I just very, very strongly hope that this amendment will not be adopted.

Now, I would just like to talk a little bit about what are the benefits of safety belt and motorcycle helmet laws. There have been a slew of studies done by the National Highway Traffic Safety Administration, the States, the medical community, the safety groups, the Centers for Disease Control, the General Accounting Office, for exam-

ple. They reached the same conclusion. They are as follows: First, safety belts and motorcycle helmets save lives and prevent serious injury.

Everybody knows that. We do not have to be in every emergency room to know that. We know it. We have seen it.

Over the past 10 years, safety belts and motorcycle helmets have saved over 60,000 lives and prevented 1.3 million serious injuries. If everyone used the safety belt, an additional 14,000 lives and billions of dollars could be saved every year. There are 40,000 people killed every year in our country. That could be cut to 26,000—14,000 lives saved if safety belts were used. If every motorcyclist wore a helmet, nearly 800 lives could be saved every year.

Unhelmeted motorcyclists involved in collisions are three times more likely than helmeted motorcyclists to incur serious head injuries that require expensive and long-lasting treatment. I think the motorcyclists would acknowledge that, and indeed in the sanctioned meets of the American motorcycle clubs you have to wear a helmet. That is a mandate. You cannot be in those meets, those hill climbs, and so forth, without a helmet. That is what they think of wearing helmets.

Now, the second point. The cost of motor vehicle crashes are staggering. Each year, as I say, 40,000 people die on our Nation's highways. Another 5.4 million—that is not thousand, that is million—5.4 million people are injured each year. These fatalities and injuries cost us over \$137 billion every year for medical care, lost productivity and property damage. This represents a \$50 billion annual cost to employers. The lifetime costs of one serious head injury sustained because no helmet or safety belt was used can reach the millions of dollars.

Now, who foots the bill? When somebody is injured in a motorcycle or an automobile accident, a police officer, who is a public employee, responds. The municipal ambulance carries the injured party to a hospital. Medical specialists provide emergency treatment without regard to costs. And if the victim is on welfare or unable to pay, Medicaid pays, and we all know that.

Now, the third point I would like to make is that mandatory laws are the most effective way to ensure that safety belts and motorcycle helmets are used. The States that have enacted mandatory safety belt-helmets have an average of a 20 percent increase in use. In other words, it is not enough to have an education program. You have to mandate it by law or it will not be followed.

In the early 1980's, before safety belt laws were enacted, the use rate was 11 percent. Now, with laws in 48 States, some version of safety belts, the use rate is 66 percent.

Now, I would like to read—we had hearings on this. We had doctors and others come in—what Dr. Rosenberg

from the Centers for Disease Control said. Listen to what he said.

We are unaware of any evidence that demonstrates that testing, licensing, or education alone leads anyone near the improvement in helmet laws that mandatory laws produce.

In other words, education does not do the trick. You have to have a law. And finally:

Effective safety laws require a Federal-State-local partnership. Our history shows that when Federal requirements are eliminated, safety laws are weakened or repealed and deaths and injuries increase.

In other words, what they are saying there is the Federal Government really has to step in and do the trick. If we, the Federal Government, back off from this legislation, you can bet your bottom dollar that many of the States that have enacted motorcycle helmet and seatbelt laws will retreat because the pressures are so strong.

I have been a legislator. Many of us here have been legislators. The pressures that can come from one group, particularly if it is not something that the individual is deeply interested in himself—he might be interested in improving the economic climate of his State or doing something about unemployment compensation. And when a host of motorcyclists come after him day after day after day to repeal a law, then the individual frequently gives way. That is what happened in the different States when the Federal law mandating the helmet use or mandating seatbelts was repealed.

Now, what happens when the State does pass the law pursuant to the efforts that we have made here? California enacted its all rider motorcycle helmet law and motorcycle fatalities dropped by 36 percent. That is a remarkable figure. Maryland's helmet law resulted in a 20-percent fatality drop; 20 percent fewer people were dead as a result of the Maryland law. Both States realized direct taxpayer savings in millions of dollars. Both States enacted these laws with the encouragement of the Federal law.

There has been a great pressure in both States to repeal their motorcycle helmet laws. Can they maintain their laws if the Federal requirements are removed? I believe it will be difficult.

I come from a State that has not enacted either of these laws. We have no motorcycle helmet law in our State. We have no mandatory seatbelt law. We have to give up money, as pointed out by the distinguished Senator from New Hampshire. We have to put extra money into education and safety costs that we do not want to put in. And so I say then, if you do not want to put it in, pass the law. "Oh, we do not want the law. We think people have freedom to drive their motorcycles without helmets. If they end up on the public assistance rolls, and particularly through Medicaid, well, that is just one of those things."

We had a State senator from Illinois talk about this business of what the



pressure is on the States. This is what the State senator said:

So even though there is no doubt in my mind that a motorcycle helmet law is something that would be favored by an overwhelming majority of the citizens of the State of Illinois—

The people would be for it.

the mechanics of passing a law are such that the more vocal opponents have had their way in the general assembly. The Federal Government has played a critical role in enacting safety legislation throughout the years. The original helmet law would not have passed but for Federal action. We all know that the drinking age and seatbelt legislation was passed in many states as a result of Federal action. And we also have some experience that every time that Congress changes its mind, such as back in the '70's, death and injury rates go up.

I will guarantee you, if this amendment is adopted today, you will see these States repeal the laws that they have. That is a guarantee. And you will see the number of deaths on motorcycles and from lack of using the seatbelts increase in our country.

I have a chart here. What is a speech these days without a chart?

Now, this illustrates what I have been talking about. In 1966, the law was passed. The Federal law mandated helmet use. And you can see the dramatic decrease in the death rate. This is per 10,000 motorcyclists. It was 13,000, then dropped down to about 8,000 and stayed at that and slid down a little more and got way down until you are about less than half or near than half of a decline in the deaths.

Then the law was repealed in 1976 right here in Congress. Up it goes once again. So that shows the correlation between what happens when we repeal our laws. And, obviously, repeals were enacted in the States. Twenty-seven States repealed or weakened the helmet laws right after we said you do not have to do it. My State was one of them. We had—in my State following the 1966 Federal law, sometime in that period around 1970, we enacted in our State a mandatory motorcycle helmet law.

When the Federal law was repealed, our legislature gave us, as did so many others, a repeal of the law itself. That will be the consequence. No question about it.

Now, I have a letter here from the executive director of the Safety and Health Council of New Hampshire. This is what he says:

Without continued Federal leadership in these critical areas of highway safety, we will see a return to the inconsistent and less effective State laws. Inevitably there will be a greater loss of life and an increased financial burden on our society. The problem is especially acute in New Hampshire which, despite overwhelming evidence of the benefits, refuses to pass either a seatbelt or a helmet law.

Now, as the legislator from Illinois pointed out, these laws enjoy broad popularity except with a small but very, very persistent and energetic group that bedevils the legislators until they conform. The public sup-

ports strong safety laws. In recent national public opinion polls, 76 percent of those surveyed opposed the weakening or repeal of safety belt laws and 90 percent opposed the weakening or repeal of the motorcycle helmet laws.

Now, why do we repeal this? Why is this suggestion made?

The proponents argue that this section 153, which is the basic law, constitutes an encroachment on States and individual rights. Well, I disagree. When we get into our cars or hop onto our motorcycles, we do not do it in a vacuum. We become part of a complex and usually crowded transportation network. In the best interest of protecting drivers, property, and safety, we live by certain rules. Taxpayers have a right to be protected from higher taxes which result from motor vehicle crashes. Now, as I say, proponents have argued this undermines States rights, individual rights. You are entitled to drive your motorcycle with the wind blowing through your hair.

The problem is that the costs associated with highway crashes are a serious national problem. Each additional injury and fatality takes its toll on hospital backlogs, regional trauma centers, tax rates, national insurance rates. All of us have spent untold numbers of hours on trying to do something about health care costs in this country. And there is not one of us who will not say we are for preventive medicine.

It is a crime. Give children immunization. Prevent these accidents and diseases and illnesses from occurring. There is no clearer way of doing what we are out to do, preventive medicine, than having laws just like this that we have got on our books. And those who would vote to repeal this clearly are taking a vote to add to our medical costs in this country. There is no doubt about that. So, Mr. President, I do strongly urge my fellow colleagues to reject the amendment proposed by the Senator from New Hampshire.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Very frankly, I thought we would probably be able to avoid a game of statistics and studies. But it looks like we are not going to. I have a number of them that I will ask unanimous consent to have introduced in the RECORD. I would like to mention just a few things.

First of all, my colleague, the chairman, talked a little bit about the California study. And I would like to point out that the California study done by Dr. Krause took only—I think the figures were misleading because basically he took only the accidents into consideration based on the number of motorcycles that were registered at the time, not using figures up to 2 years before that indicated almost a drop of 50 percent in the registrations in California during the 2 years preceding his study. Clearly, if you have less of them on the highways, there are going to be less accidents.

He also did not take into consideration there is in excess of over 1 million motorcyclists that went through rider safety training. I would like to read just a few statements from different studies that have been made which I will try to abbreviate very shortly.

One, accident and fatality statistics, analyzed by Dr. A.R. MacKenzie, said that in a study of over 77 million motorcycle registrations covering the 16-year period, 1977 to 1992, the accident and fatality rates have been calculated and compared with in the helmet law States than in the repeal States.

On the basis of registrations, there have been 10.4 percent more accidents and 1.1 percent more fatalities in those States that had mandatory helmet laws than in repeal States. Our State is one of them. In Colorado, in fact, the fatalities went down after we repealed it.

According to the Wisconsin Department of Transportation 1978 Division of Motor Vehicle study, 29.4 percent of the motorcyclists that died wearing a helmet died of a head injury; 28.9 percent, almost 29 percent, of motorcyclists that died without a helmet also died of head injury. In other words, almost identical statistics with or without the helmets.

According to the National Safety Council "Accident Facts" of 1991, motorcycles represented only 2.2 percent of the overall U.S. vehicle population, and yet they were only involved in less than 1 percent of all the traffic accidents, the smallest recorded category of any moving vehicles.

Furthermore, only 2.53 percent of all registered motorcycles were reportedly involved in accidents, and just a little over 3 percent of those were fatal.

The University of North Carolina Highway Safety Research Center study says—and I am trying to abbreviate these:

Helmet use was not found to be associated with overall injury severity, discharge facility . . . or insurance status. Injured motorcycle operators admitted to trauma centers had lower injury severity scores compared to other road trauma victims, a group including motor vehicle occupants, pedestrians and bicyclists.

A State of Kansas Health and Environment Department report to NHTSA stated:

. . . we have found no evidence that the death rate for motorcycle accidents increased in Kansas as a result of the repeal of the helmet law. We have also not found any such evidence on a national basis.

I skipped over one, the Second International Congress of Automobile Safety said:

The automobile driver is at fault in over 70 percent of our car/motorcycle conflicts.

Seventy-two percent of U.S. motorcyclists already wear a helmet, either by choice or existing State laws, while auto drivers use seatbelts only 47 percent of the time. Even with seatbelt laws in effect in 48 States, covering over 98 percent of America's population—only Maine and New Hampshire

currently have no seatbelt law—more than half of all auto fatalities involve head injury, yet no one would suggest that auto drivers should wear a helmet. There are 10 times the fatalities in automobiles due to head injuries than motorcycles.

In a Hurt Report, Traffic Safety Center, University of California, they indicate 45.5 percent of all motorcyclists involved in accidents had no license at all and over 92 percent had no training. That is what we are trying to emphasize here. Helmets do not prevent accidents, training prevents accidents.

The American College of Surgeons declared in 1980 that improper helmet removal from injured persons may cause paralysis.

Inside a new label—I just happened to read one a couple years ago and wrote it down, a new DOT label said:

Warning: No protective headgear can protect the wearer against all foreseeable impacts. This helmet is not designed to provide neck or lower head protection. This helmet exceeds Federal standards. Even so, death or severe injury may result from impacts of speeds as low as 15 miles an hour . . .

So, in other words, not a Federal agency that is empowered to authorize the testing and no private industry that does the testing, since DOD does not do their own, none will guarantee helmets over 15 miles an hour.

From my perspective, they do darn little help.

In a DOT test report of 1974 through 1990, where DOT tested helmets by a 6-foot vertical drop, impacting at 13.6 miles an hour, even at those low speeds, 52 percent of the helmets failed during that test.

Another study, done by Jonathan Goldstein at Bowdoin College:

In contrast to previous findings, it is concluded that: One, motorcycle helmets have no statistically significant effect on the probability of fatality and, two, past a critical impact speed—

And I assume that is past 13.6 miles an hour, the DOT test speed. helmets will increase the severity of neck injuries.

A study done by Dr. John G.U. Adams, University College of London, said:

Wearing a helmet can induce a false sense of security, leading to excess risk-taking and dangerous riding habits.

In fact, the six safest States by actual study in the United States per fatalities for 10,000 registrations are: Wisconsin, Iowa, Minnesota, New Hampshire, North Dakota, and Wyoming. None has adult helmet laws. And yet the States that have the helmet laws also have the highest injury and fatality rates.

So we could probably stay here all day long talking about studies that support either thesis, that they are good or bad, but I think we are still getting away from the fact that the decision should be made by the States, by the individuals, not by the Federal Government.

I see my friend and colleague from Montana in the Chamber. We were dis-

cussing the cost of each State a while ago. In fact, according to the statistics I have, Montana stands to lose \$2,192,000 this year out of their construction funds if we do not pass some relief for States from this punitive measure we took in the Federal Government.

My own State loses over \$2 million. Many of the people who will be here on the floor today—over 50 Senators, since there are 25 States that have refused to comply—are going to be penalized collectively to the point of hundreds of millions of dollars. With that, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I have a letter dated May 1 from the Secretary of Transportation, and I would like to read parts of it, if I might. This is what he said. It is addressed to me:

I would like to take this opportunity to present the administration's position on several vital highway safety laws that may be challenged during the committee's consideration of the National Highway System legislation.

This was written as we took up the legislation in the committee.

The Department of Transportation strongly supports the existing Federal provisions encouraging States to enact and enforce basic highway safety laws, such as section 153 of Title 23, United States Code—

That is the provision that deals with motorcycle helmet and seatbelt laws.

relating to safety belts and motorcycle helmets. We would oppose efforts to weaken these provisions. We estimate that State minimum drinking age laws, safety belt and motorcycle helmet laws and enforcement of speed limit laws save approximately \$18 billion every year. If these provisions are weakened or repealed, costs to the States and Federal Government would increase.

Then he talks a little bit about the minimum drinking age. Next paragraph:

The other provisions offer similar savings to States. Motor vehicle crashes cost our society more than \$137.5 billion annually in 1990 dollars. Many costs of motor vehicle crashes are ultimately paid by Federal and State welfare public assistance programs, such as Medicaid, Medicare, and Aid to Families with Dependent Children.

Between 1984 and 1993, safety belt and motorcycle helmets use saved more than \$16 billion in Federal and State revenues. Nearly \$6 billion of this is the result of reduced public expenditures for medical care, while the remainder represents increased tax revenues and reductions in financial support payments.

The Federal provisions encouraging minimum drinking age laws, safety belt, motorcycle helmet laws and the enforcement of speed limit laws were established because of high social and economic costs to our Nation resulting from motor vehicle crashes. These four provisions address areas where State laws and enforcement are proven effective and where savings are great. For example, when California enacted its all-rider motorcycle helmet law, motorcycle fatalities fell by 36 percent and the State saved millions of dollars. Every State that has enacted such a

law has had similar experiences. States that repeal all-rider helmet use laws uniformly see a substantial increase in motorcycle fatalities.

For example, the Colorado Division of Highway Safety found that the State's fatality rate decreased 23.8 percent after adopting a helmet law and increased 29 percent after the helmet law was repealed.

That is what we were discussing earlier about when the Federal Government in 1976 said you did not have to have the law, the States repealed them, I think it is 27 States repealed them—my State was one of them, regrettable—and up go the accidents.

Wisconsin Department of Transportation data indicates that motorcycle fatalities were 18 percent lower when the State had a helmet law than after repeal.

Mr. President, Secretary Peña goes on:

Weakening or repealing these will lead to a tragic increase in unnecessary preventable deaths and injuries on our roads and will increase the burden on State and Federal Government. At the very least, we must oppose steps that would clearly add to Federal spending.

Signed by Federico Peña, Secretary of Transportation.

So, Mr. President, I think in every way you look at this, whether you are looking at the tragedy that comes from accidents where people do not have a seatbelt, the tragedy that comes to motorcyclists who do not wear their helmets, or the cost to the Federal Government—everybody here is for reducing cost—I find this amendment very, very difficult to understand.

Mr. President, I hope very, very much that it will be rejected.

Ms. SNOWE. Thank you, Mr. President. I would like to respond to a few of the comments that have been made by the chairman, the manager of this legislation, because I think it is important since we are quoting from one another's States with respect to statistics and positions of officials in those States.

It is interesting to note, because back when we had hearings this year on this entire issue, Rhode Island State Senator William Enos, in testimony before the Environment and Public Works Subcommittee on Transportation and Infrastructure in March, noted that in 1976, the last year that Rhode Island had a helmet law, there was 1 death per every 1,000 riders. In 1994, without a mandatory helmet law, that rate was less than 0.5 deaths per 1,000 riders, despite the fact that there were 7,000 more riders in 1994 than in 1976.

He goes on to say:

In 1993, the number of fatalities per 10,000 registrations was lower in Rhode Island than in many States with motorcycle helmet laws. Massachusetts, which has applied strict helmet wearing standards to motorcycle riders, has a fatality rate a full point higher than Rhode Island. Much of this success can be attributed to motorcycle rider education programs, which were first implemented in 1980.

Back in 1980. That was 15 years ago that Rhode Island implemented a motorcycle rider education program because they understood the value of those programs with rider safety and being able to drive a motorcycle better and more effectively. The same is true for driving an automobile.

I further read from his testimony:

Again, referring to the attached graph, it can be seen that since rider training began, fatality rates have continued to decline. Furthermore, Rhode Island also had the second lowest rate of all motorcycle accidents per 10,000 riders, behind only Oregon, which has a helmet law in place.

As I said earlier, the State of Maine in 1993 ranked 49th in the number of motorcycle fatalities, second lowest in the country. And it has a very effective rider education program.

The 44 States that have rider education programs—and I think it is essential to underscore that there are 44 States that have motorcycle rider education programs. Those are not essentially mandated by the Federal Government, but the States have determined in their wisdom that they are the most effective approach in reducing the number of fatalities and accidents on the highways.

In fact, those programs are financed through motorcycle registration and license fees. Collectively, they have raised \$13 million. Contrary to what the chairman has said, these education programs are not only financed by the States, but our States have determined how much is necessary to finance these programs. It is not as if they do not have the money. They have been financing the programs.

My State does not need to double the amount of money that already exists for its motorcycle rider education program. It has sufficient funding through license fees and registrations. But it does need its money for highway improvement and repairs. It desperately needs that funding.

Listening to the debate here today, one would think that it would be very difficult for State legislatures and the Governors and State officials to have the capability to make these decisions on behalf of the best interests of their State and the welfare of their own constituency.

Somehow, we have this notion that they do not know any better, that they could not possibly make these decisions for their constituents in their States, that somehow we know better here in Washington, DC, what should happen in the States when it comes to motor vehicle safety; that they do not have the capacity to understand.

No one is disputing the fact that we should do everything we can to improve safety on the highways. There is no doubt about that. Yes, it has some impact on our health expenditures. As I said earlier, so much of our behavior asks how far do we go?

That is the issue here today. Where do we draw the line as to what the Federal Government will dictate to the

States or what the States themselves will decide for the people who live in their States? That is the ultimate question here. And I think that it is important to make a decision as to how far we are willing to go.

I would argue with the chairman that there are many other aspects to personal and social behavior that contribute far more to that cost of Medicare than riding a motorcycle or driving an automobile.

Mr. GREGG. Mr. President, will the Senator from Maine yield for a question?

Ms. SNOWE. I am happy to yield to the Senator.

Mr. GREGG. I think the Senator from Maine has made a superb point, and I would like to ask the Senator if this is the basic concept.

This is not an issue of health. It is not an issue of safety. It is an issue of States rights. On an issue of health or safety, that is a police power traditionally reserved for the State. It is ironic and anachronistic that the Federal Government has stepped into this area, where it has not stepped into 100 different areas that could be outlined.

Is not what we are dealing with here an issue of who has the right to manage the health and safety of the State, and whether or not that right is nationally vested in the State government, and it is inappropriate for the Federal Government to come in and usurp that right?

Ms. SNOWE. I answer the Senator, that is absolutely correct. Certainly, Senator GREGG well knows, having been a former Governor of the State of New Hampshire, to understand exactly what is relevant and within the purview or jurisdiction of the State, it is very essential that we begin to draw those lines as to how far we need to go to impose Federal mandates and Federal dictates.

Would the Senator agree that the States are in a much better position to make those decisions? Are they not more responsive since they are closer to the people? The Senator has been a Governor and certainly can appreciate that relationship between the State and the residents of that State.

Mr. GREGG. Mr. President, if the Senator will yield, just to respond to that point, I believe that is absolutely true. I believe the Senator from Maine, the Senator from New Hampshire, and the Senator from Colorado have made this point extraordinarily well. That is, whether or not someone is on a highway and operating—

Mr. LAUTENBERG. Mr. President, may I inquire of the Parliamentarian whether the floor is now obtained by the Senator from Maine, or do both Senators have the floor at the same time?

The PRESIDING OFFICER. The Senator from Maine has the floor. She has yielded time to the Senator from New Hampshire—

Mr. LAUTENBERG. She cannot yield, Mr. President; I am sorry.

The PRESIDING OFFICER. For a question.

Mr. LAUTENBERG. I am waiting to hear the question.

Mr. GREGG. I have the right to yield for the purposes of a question, Mr. President. During the prior colloquy, there was a question asked and there will be a question asked during this colloquy, also.

The point which I think the Senator has made and which I wish to elicit her thoughts on, further, are there not a variety of activities that occur on highways which determine the safety of highway activity, such as the size of a car that operates on the highway, such as the licensing of the operator of the car on the highway, such as the inspection of the car that operates on the highway, and the motorcycle, the licensing of the motorcycle operator on the highway? Are these not traditionally rights which have been reserved to the State?

It is sort of strange that the Federal Government would pick out just one area of safety on a State highway issue to step into. Is that not the issue here, that there is basically a unique usurpation of State rights?

Ms. SNOWE. The Senator is absolutely correct. When it comes to dictating the driver's age or the automobile inspection or the types of tests that are given so that people can get their licenses, or even some of the speed limits that are established on the various roads within a State, they have all traditionally been within the purview and jurisdiction of the States in determining that.

In fact, I was mentioning earlier in some of the statistics that the States have certainly made a number of decisions with respect to those issues and could make even more. We could draw a lot of decisions here today in terms of what we should do based on statistics, but the States are in a much better position to make those decisions.

I ask the Senator, because I think it is important since the Senator has been a former Governor, there has been this sort of impression here that somehow the States just do not understand or get it and, therefore, it requires and compels the Federal Government to impose these dictates and mandates.

Does the Senator not agree that the Governors and the States and the State legislature are in a far better position to make decisions about what is in the best interests of the general welfare of their constituencies and residents?

Mr. GREGG. Mr. President I will agree with that. That is obviously the purpose of this amendment, and I congratulate the Senator from Maine, the senior Senator from New Hampshire, and the Senator from Colorado for bringing this to the floor.

I see the Senator from New Jersey is seeking the floor, and although I may have further questions of the Senator from Maine, I will pass up those opportunities. I appreciate the courtesy of the Senator from Maine in allowing me to answer these questions.

Ms. SNOWE. I thank the Senator. Just to conclude, Mr. President, because I think it is important to read from the testimony of a State senator from the State of Illinois, who presented testimony before the committee on this issue—I would like to quote from her statement because I think it is important. She said that “Many in the State believe that this course”—referring to the penalties imposed by ISTEA in 1991—“is directly responsible,”—the course they established in the State of Illinois for rider education—

... is directly responsible for the reduction in motorcycle accidents we witnessed in Illinois. We had a 46 percent decline in accidents involving motorcycles from 1985 to 1990. This led to a 48 percent decline in injuries to motorcyclists. During the time Illinois had a helmet law in 1968 and 1969, our fatality rate per 10,000 registrations averaged 9.15. Back then, we had 91,000 registered motorcycles. In 1993, we had 200,000 motorcycles registered and with no helmet law our fatality rate was 5.4 per 10,000 registrations, double the number of motorcycles, more vehicle miles traveled per year, no helmet law, and our fatality rate was four points lower. Yet Congress has sanctioned the State of Illinois for over \$33 million.

I would respectfully suggest to you that putting men to work building and repairing roads is a better and more efficient use of our highway dollars than requiring us to print up and distribute bumper stickers telling people to wear seatbelts.

Finally, I would like to quote from a July 1994 Wall Street Journal article.

Dennis Faulkenberg, chief financial officer for Indiana's Transportation Department, says this year's lost share would have paved 25 miles of highway and repaired 6 to 8 bridges. New lanes and intersection improvements will also fall by the wayside because of the loss of money to the State of Indiana as a result of this penalty.

Further, I would like to quote from a New Hampshire State Representative who testified before the Environment and Public Works Subcommittee on Transportation in March. He said:

My issue on whether I favor or disfavor a law mandating helmets or seatbelts is not the issue. The reason I came here today is because I feel this issue should be able to be decided by the State Legislatures in this country without the threat of Federal sanctions and money being moved.

I don't think there is one of my colleagues in the State house that doesn't feel motorcycle helmets and seatbelts are a safety issue. There isn't one of us that will disagree with that. But let us discuss the issue, let us decide the issue on the merits of the issue, and not because we're going to have money transferred.

I think that speaks very well to the issue and the essence of the amendment offered by Senator SMITH.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I would like to address the amendment before us, if someone will yield time to me?

The PRESIDING OFFICER. There is no time limit.

Mr. FEINGOLD. Mr. President, I would like to speak to one aspect of

the amendment offered by the Senators from Maine and New Hampshire, the repeal of sanctions against States lacking mandatory helmet laws. I am a co-sponsor of the amendment which will be offered by the Senator from Maine at a later point, which addresses only the matter of helmet laws. But regardless of the amendment, there are two fundamental questions inherent in this debate. What is the proper role of government in regulating individual behavior? And what is the appropriate role for the Federal Government in policy areas that have traditionally been under the jurisdiction of the States?

There will be many issues of safety raised in this debate. In addition, the point will be made that unhelmeted motorcycle riders increase societal costs, such as the costs of publicly-funded health care. Those are legitimate issues, but I do not think they address the truly fundamental questions at stake in this debate. I think the fundamental question, the fundamental issue, is the proper role of government.

The relationship between the Federal Government and the States has been a complex relationship since the founding of this Nation. The practical and legal impact of the constitutional delineation of State and Federal responsibilities is very much a subject of debate today, and especially in this 104th Congress.

Mr. President, I served in the Wisconsin State Senate for 10 years and I know very well the frustration of State officials at the sometimes incomprehensible nature of the Federal bureaucracy. This much-debated relationship is frequently at issue in the discussion of Federal requirements on issues like seatbelts and helmets and speed limits. It has been the source of great controversy in my home State of Wisconsin, which does not have a mandatory helmet law. In each of the last two sessions of the Wisconsin Legislature, there have been resolutions introduced that have urged the repeal of section 153 of ISTEA, which imposes sanctions on States that do not have mandatory helmet laws.

Wisconsin stands to lose an estimated \$2.3 million in highway funds this fiscal year and an estimated \$4.7 million in fiscal year 1996, simply because our State is not in compliance with section 153 of ISTEA. Nationally, States will lose \$48 million in fiscal year 1995 and \$97 million in fiscal year 1996, if this provision continues.

This sanction applies, regardless of Wisconsin's efforts, which are substantial, to improve safety on its roadways. Wisconsin's Secretary of Transportation, Charles Thompson, told the National Transportation Safety Board that Wisconsin, through its program:

... consistently and actively encourages all motorcycle riders to wear not only helmets but all protective gear through:

Mandatory helmet laws for riders under 18 years of age and those with learner permits; Maintaining an award-winning rider education program which has an all-time high enrollment now of 3,500 students;

Helmet surveys which show that 41 percent of riders wear helmets on a voluntary basis.

So, Mr. President, among States which do not have mandatory helmet laws, Wisconsin has the lowest number of fatalities per 10,000 motorcycle registration. Perhaps more significantly, among all States, Wisconsin ranks second with respect to motorcycle fatalities per 10,000 registrations—among all States—not just those that do not have a mandatory helmet law.

The National Highway Traffic Safety Administration has emphasized that State by State comparisons of motorcycle data are meaningless and that the only valid comparisons are those that compare data within an individual State over time. Let us take that test, if the previous tests are not adequate.

Even under that test, Wisconsin does extremely well. Our fatality rate in motorcycle accidents has declined from 93 fatalities in 1984 to 41 in 1993. I think the reason is that the State of Wisconsin has an exemplary motorcycle safety program which has had the impact of substantially reducing the total number of motorcycle accidents by almost 50 percent—50 percent, Mr. President—over the past 10 years.

So our State of Wisconsin is understandably upset with the sanctions contained in ISTEA, given their exemplary record for motorcycle safety. The State, I think, feels discriminated against since ISTEA does not credit the State with the progress it has made with respect to reduced motorcycle fatalities. Given that the intent of ISTEA is, as I understand it, specifically to reduce fatalities, Wisconsin legislators and regulators are bewildered that there is no credit being given to them for their accomplishments. That is one of the flaws of section 153 of ISTEA. It does not recognize significant accomplishments made in improving highway safety through proactive, voluntary State efforts.

I contend that a Federal mandate on helmet use is not necessary to require States to do the right thing.

However, beyond the question of the proper Federal-State relationship, I would also like to focus briefly on what I believe to be an even more fundamental issue. That is the question of whether the Government has a role in regulating individual behavior that does not have a direct impact on the health or safety of others in our society.

Unlike other motor safety requirements, such as traffic laws intended to keep traffic, highway traffic orderly and safe for all users, I believe helmet use only generally impacts the individual choosing to wear or not wear a helmet.

Many have argued that the cost which motorcycle accidents impose on our health care system are reason enough for regulating individual behavior, but I do not really see that as a persuasive argument. Individuals in this country still have a right to engage, if they wish, in risky behavior that does not directly harm others.

The Federal Government has not always regulated individual behavior for smoking or alcohol consumption in cases where that behavior does not affect others in our society. When it has done so, as we know with Prohibition, it has backfired.

Arguably, those behaviors, such as drinking and smoking, also impose substantial costs on our health care system. However, we have generally recognized that such behavior should, in most cases, be a matter of individual choice, regardless of whether that choice is the wisest one that an individual might make.

I generally object to Federal laws which regulate an individual's behavior for his or her "own good." I ask my colleagues, if we regulate helmet use at the Federal level where, then, do we draw the line? Or can we draw the line? Where do we stop infringing upon an individual's right to make his or her own decisions?

I contend that helmet use or lack of helmet use does not generally impact others in our society. As a strong supporter of individual rights I oppose Federal legislation requiring States, or blackmailing States into enacting helmet laws. I personally would strongly encourage all cyclists to wear helmets, as does Wisconsin's Motorcycle Safety Program. But I do not believe it is the Federal Government's role to require anyone to wear a helmet.

Mr. President, the amendment to be offered by the Senators from Maine and Colorado would repeal the Federal sanctions on States which do not have mandatory universal helmet laws. It is a step in the right direction from the standpoint of individual rights and I urge my colleagues to support it. I yield the floor.

Mr. THOMAS. Mr. President, I rise in strong support of the Smith amendment, which will repeal the penalties levied against States that have not passed both a mandatory seatbelt and helmet law. The issue is not the merits of helmet laws or seatbelt laws. The issue is where should these issues be discussed and decided.

The message of the last election was that we need a smaller, less intrusive Federal Government. The Federal Government tries to do too much and has taken over so many functions that ought to be State and local decisions.

The vote on the Smith amendment is a clear test as to whether or not the U.S. Senate got that message.

For too long an activist Congress has used the threat of loss of highway trust fund money to force States to adopt whatever the Federal agenda of the moment is. I think that is a rotten way to do business.

First, that approach assumes the money collected through Federal gas taxes somehow belongs to the Federal Government.

This money comes from the States—it comes from highway users in the States. To collect the money from these folks and then turn around and

hang it over their heads until they do whatever we say is outrageous.

Second, the people who support this approach think State governments are incapable of making informed, responsible decisions about the safety of their citizens. I do not know how you can defend the idea that folks in Washington are somehow blessed with the divine wisdom to always know best. State officials are just as responsible, and in most cases are in a better position to make informed decisions than folks in Washington.

I will let others argue the merits of helmet use. There are strong feelings on both sides of that issue. What I will argue is that debate ought to happen at the State level, and the Federal attempt has clearly failed.

Section 153 was enacted as part of the ISTEA bill of 1991. Since enactment of section 153, only 1 State has adopted a mandatory helmet law; 25 States have yet to adopt mandatory helmet laws, and are in violation of section 153.

This year alone, \$48 million will be diverted away from road and bridge construction. Next year that figure will increase to \$97 million.

In Wyoming, just over \$1 million was moved from highway construction to safety education programs this year. Next year we will see over \$2 million shifted away. I do not know how we can spend \$2 million on safety education programs in my State. That comes to just over \$4 for every man, woman, and child in Wyoming to be spent on safety programs while we have millions in unmet infrastructure needs.

It does not make sense, and a full half of the States have said enough. They have decided it is more important to preserve the ability to make their own decisions than to bow to Federal blackmail.

That is a choice States should not have to make. I strongly support this amendment and urge its adoption.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think this issue has been aired really well. I do not have much to add and we are approaching a time when we could vote.

The basic question we are debating is the degree to which the Federal Government should tell people whether or not they should wear seatbelts or whether or not they should have helmets when they drive motorcycles.

Much of the debate today has centered around the number of fatalities, highway safety, and so forth. We all agree we want to minimize accidents on our highways. On the issue of the effect of wearing seatbelts and wearing helmets on safety and fatalities, my colleagues have voiced differences of opinion and cited various studies.

Mr. President, I would like to draw a distinction between the Federal requirements to have seatbelt and helmet laws. There are 48 States that have seatbelt laws. I do not feel that all of these States passed these laws just because there has been a Federal require-

ment. States have enacted these seatbelt laws and fatalities and injuries have dropped. It makes sense to wear a seatbelt. And because 48 States have these laws, we should not disrupt the status quo. Seatbelts are part of American society now. Children today grow up knowing that it is right to buckle up when they get into a car. It has become a part of our lives.

However, only 25 States have passed helmet laws. Helmet laws are very controversial. It becomes more of an individual rights issue.

I do not believe it makes sense for Congress to blackmail States into passing motorcycle helmet laws. That is a decision better left to the States. I know this is not an easy matter. Many of my colleagues do not agree with the State's rights argument.

There is no debate here as to whether the Congress has the power to do this. Under the commerce clause, it is clear Congress has the power to require States to pass these laws. And if States do not, Congress has the power to withhold highway funds or say that a portion of highway funds should go to safety education programs.

So the issue here is not whether the Congress has the power to do make these requirements. That is not the issue. The only issue question is should the Congress be involved in these decisions. Should the Congress tell the States to pass these laws. Or should Congress let the States decide on their own whether or not to pass these laws. Each of us is going to have to answer that question. We are 100 different Senators. We are bound to have different points of view on that issue.

My view is that we should not repeal the Federal requirement for States to enact seatbelt laws.

I would hope that if we were to adopt the Smith amendment, most States would keep their seatbelt laws and not repeal them.

But the Federal requirement for helmets is different. As only 25 States have these laws, there is obviously much more controversy attached to them. These difficult decisions can be made by the States.

Now the pending amendment is the Smith amendment. It is my understanding that, if the Smith amendment is not adopted, the Senator from Maine is going to offer her amendment which would repeal only the helmet laws. If that amendment is not adopted, it is my understanding that the Senator from Colorado may offer his amendment which just requires States to have motorcycle education programs instead of motorcycle helmet use laws.

I mention all of this because the sequence of amendments and the consequence of whether amendments are offered or not has a bearing on a Senator's position. The order of amendments is important if Senators have a different view on either seatbelt or helmet laws. If a Senator does not want to repeal both seatbelt and helmet requirements, or a Senator wants to only

repeal the helmet requirements, the order of amendments is important. To close, I should also note that the State of Montana has had a referendum on seatbelts a few years ago. The people of Montana decided they wanted a seatbelt law. So let us focus on the helmet requirements.

Mr. SMITH. Mr. President, I know the Senator from Rhode Island would like to wrap this up. I have no objection to that if he chooses to seek unanimous consent to end the debate and have a vote momentarily. I want to make a couple of brief remarks. I think the Senator from Wyoming has a couple of remarks to make as well.

I would just say to the Senator from Montana that we are not repealing seatbelts laws anyway. We are not repealing any seatbelt laws. We represent two States in the Union—Maine and New Hampshire—who choose not to have seatbelt or helmet laws. All we are asking is the right for us to be able to do it our way, which is to improve safety, improve safety records, improve seatbelt and helmet use without the mandate which we are doing.

So it is a misstatement to say that we are trying to repeal the seatbelt law in the other 48 States. You passed them. You can have them. That is perfectly all right with me. I am not repealing that.

Mr. BAUCUS. I understand that.

If the Senator will yield for a question, if the Senator is successful, States which do not have helmet laws and seatbelt laws will not have to divert 1.5 percent of highway funds to safety education programs. Is that correct?

Mr. SMITH. Yes.

Mr. BAUCUS. Also by 1996, under current law, it will double to 3 percent.

Mr. SMITH. Yes.

Mr. BAUCUS. The Senator is providing in his amendment that States, if they do not have helmet or seatbelt laws, will receive the full complement of highway funding, and they would not have to direct that 1.5 to 3 percent to the safety program.

Mr. SMITH. That is correct. But I fail to understand the Senator's logic in saying that it is OK to mandate seatbelts and not OK to mandate helmets. What is the difference?

Mr. BAUCUS. Will the Senator let me repeat my argument?

Mr. SMITH. If I could just briefly reclaim my time here, we could mandate that we lock all the doors in automobiles, too. I can envision State troopers roaring down the highway seeing the door lock up and immediately sending somebody over to the side of the road and citing with a ticket. We could mandate that we all wear foam rubber suits and helmets every day that we walk around so we do not hurt ourselves.

The point is, Mr. President, in New Hampshire—I believe it is also true in Maine—we have safety programs, good safety programs.

This is a chart which shows the counties in New Hampshire, the 10 counties.

Since 1984, we have improved—just picking one county off the top here, in 1984 there was a 24-percent seatbelt use in that county. Today it is 55 percent. There is no mandate. The point is we have good safety programs. We do not need another \$800,000 for our safety programs. All we want is that \$800,000 to be spent on repairing roads. It does not hurt Montana one bit. It does not do anything to Montana.

We just want the right to be able to have this done in the "Live Free or Die" State without a mandate, without the Federal Government saying you have to wear a helmet. Why do we not wear helmets in cars? How about this? Will the Senators agree that we should wear helmets in cars? We could save a heck of a lot more people from head injuries in automobiles than on motorcycles. So we wear seatbelts in the car. If you wear a helmet in the car, you would save even more lives.

The point is these mandates get ridiculous. The individuals have the right to essentially exercise the freedoms that they have as Americans.

This is not an unreasonable amendment at all. To use the logic that somehow we are denying somebody else in the other 48 States—there are 25 States here that are losing \$97 million in moneys that they are entitled to to repair their highways. They are not getting it unless they decide to expand the safety program and spend money that they do not need because their safety programs are more than adequate. That is the whole stupidity of this Federal Government Washington-knows-best attitude.

The issue, in conclusion, Mr. President—and I heard the Senator from Rhode Island talk about this. He said mandatory helmets have saved thousands of lives. Wrong. Helmets save lives. Mandating the helmets do not save lives. Wearing helmets save lives. It is not the mandate.

So, you know, who makes the decision? That is the issue. Who is going to make the decision about wearing a helmet? The individual, the State, or Washington? It is no different than anything else in Medicaid, welfare, whatever, environmental laws. It is the same issue. Washington knows best. Therefore, nobody else knows anything. So we have the mandates.

I ask unanimous consent in conclusion—even the USA Today, which is part of or a strong supporter of the conservative cause, says, "States know what's best," and in their recent editorial of May 8, they indicated that we were right in what we are trying to do here on seatbelt and motorcycle helmet laws.

So I ask unanimous consent that article be printed in the RECORD, Mr. President.

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

[From USA Today, May 8, 1995]

STATES KNOW WHAT'S BEST

I-10 stretches hypnotically out of Tucson across the desert. Yet the speed limit is the

same as on I-64 as it undulates through the mountains of eastern Kentucky.

Any driver traveling those roads would recognize the foolishness of the uniformity instantly. It exists only because the federal government requires it.

Common sense says those most familiar with the roads know best. But that's not the way it's done. Technically, states set the limits. But if they dare set them faster than 55 in urban areas or 65 elsewhere, they face federal financial penalties. So they go along.

Seat-belt and motorcycle-helmet laws work much the same way. Forty-eight states have belt laws, and 25 require all riders to wear helmets. But if states don't pass both, they must divert some of their highway funds to safety programs—even if the money could be used to prevent more accidents by repairing dangerous bridges or roads.

Now, there's a move afoot in Congress to remove the federal shackles. A Senate subcommittee took the first step last week. It voted to repeal the national speed-limit law and let states set the limits without coercion from Washington.

Auto safety advocates are up in arms. They look at a highway fatality rate that fell from 5.2 per 100 million miles traveled in 1968 to 1.8 in 1993, thanks in part to such laws, and predict mayhem on the highway.

But that's not likely.

State officials can read statistics, too. They don't want to be responsible for blood on the roads. They know polls show public support for safety laws. Three states rejected efforts to repeal belt laws last year, and two fought off repeal of helmet laws.

The argument today is not about whether seat-belt and helmet laws save lives, whether excessive speed kills or alcohol impairs the ability to drive. They do. The argument is about who's better suited to balance safety against sensible use of the roads.

The answer is that the states are. They, not the feds, already write the rules of the road, enforce vehicle and traffic laws, and pay the bills.

The proper federal role in auto safety lies elsewhere. Only it can force automakers to build safe cars.

Washington also is uniquely equipped to serve as a clearinghouse for information about traffic convictions and driving licenses—a role it now fills in cooperation with the states—and it serves the country well by sponsoring safety research.

But when it comes to setting speed limits and requiring seat belts, states belong in the driver's seat.

Mr. SMITH. I also ask unanimous consent that a letter from the Governor of New Hampshire, which is 2 years old, which basically forecasts problems that would be coming up with this by having mandated laws—the Governor of New Hampshire was saying that New Hampshire voluntary seat-belt use had increased through education, and I ask unanimous consent that letter also be printed in the RECORD.

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

STATE OF NEW HAMPSHIRE,  
OFFICE OF THE GOVERNOR,  
Concord, NH, December 22, 1993.

Hon. ROBERT C. SMITH,  
Washington, DC.

DEAR SENATOR SMITH: I would like to enlist your support in opposing the diversion of highway funds under 23 U.S. Code Section 153 which, under the present conditions, will occur if the State of New Hampshire does not enact both mandatory seat belt and motorcycle helmet use laws.

I am sure that you are well aware that New Hampshire has made great progress in making our State's highways safer for all who use them. In 1982, for example, 98 of 154 highway fatalities, or 56.6%, were alcohol related. All of those numbers have decreased significantly in the interim years to a point where in 1992 only 30 of 123 fatalities, or 24.4%, were alcohol related. This represents a 20% decrease in highway fatalities, and the percentage of alcohol-related fatalities has been reduced by more than one-half.

New Hampshire's voluntary seat belt usage, which the federal government would have us mandate, has risen from 16.06% in 1984 to 50.57% in 1993. For five consecutive years, seat belt usage surveys in the State indicate that around 50% of New Hampshire's motorists are buckling up. This has been accomplished through public information programs and not through any coercion of the motorist. This means that New Hampshire has a nucleus of approximately 50% of its citizens using their seat belts not because they are forced to, but because they think it is the wise thing to do. Again, I am sure you are aware this has been accomplished while during the same time period (1982-1992) the number of drivers in the state has increased by 26%, the number of registered vehicles has increased by 49% and the population of the Granite State has increased by 17%.

The New Hampshire Legislature recognized the need for improving motorcycle safety and a Motorcycle Rider Education Program (RSA 263:34b) was enacted effective July 1, 1989. Through 1993, 2,629 cyclists had completed this program, which is entirely self-supported by fees attached to motorcycle licenses and registrations. The following is an interesting quote from the Highway & Vehicle/Safety Report of May 17, 1993, which is published by Stamler Publishing Company, 178 Thimble Islands Road, Branford, Connecticut:

"However, controversy surrounding mandatory use laws (MULS) for motorcycle helmets emerged during the recent hearing on ISTEA-related safety issues. Senator Ben Nighthorse Campbell, D-CO—himself a motorcyclist—said ISTEA's 'mandatory section simply is not working'. No helmet laws were passed in the last six months, leaving 25 states without ISTEA's Section 153, which requires the transfer of some highway funds to safety programs for states that do not enact helmet laws by this fall. He claimed that non-MULS states have 33% lower accident rates than those with MULS crediting voluntary helmet use and rider education programs."

Any assistance you can provide to prevent this federal intrusion into our State's highway safety efforts would be greatly appreciated.

Very true yours,

STEPHEN MERRILL,  
*Governor.*

Mr. SMITH. Mr. President, before I yield the floor, I will at this point ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I may just engage in a bit of a colloquy here with my distinguished colleague. But I see the distinguished chairman of the committee. Does the

chairman wish to address the Senate on a procedural matter?

Mr. CHAFEE. Yes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to see if we can allocate time out to those who want to speak so we can let our colleagues know about when we are voting.

Mr. BAUCUS. If I might make a suggestion, if the Senator will yield, that is we have a vote on the amendment offered by the Senator from New Hampshire by 5 o'clock, the time equally divided.

Mr. CHAFEE. The only thing is, I am not sure how much time people will want. The Senator from New Jersey would like how much?

Mr. LAUTENBERG. The Senator from New Jersey would like probably around 10 minutes, maybe an extended 10.

Mr. CHAFEE. How about 10? Let us just work this out and see how we are doing.

Mr. LAUTENBERG. I will tell the Senator this. I would not agree at this moment to a unanimous consent agreement that cuts off debate. I have stayed here, in all fairness, and listened to the debate from the other side, and I think there are people in opposition to it.

Mr. CHAFEE. We are not going to cut anybody off. Let us say 10 minutes, and if the Senator wants more he can take more.

The Senator from Montana, the ranking Member, wants no more time. The Senator from Virginia, how much?

Mr. WARNER. Mr. President, I would be agreeable to maybe 6 or 7 minutes.

Mr. CHAFEE. Let us say 7 minutes. The Senator from Wyoming, how much time would he like?

The Senator from Ohio?

Mr. DEWINE. Ten minutes.

Mr. CHAFEE. All right, 10. So there is 20, plus 6, or 26 minutes. The Senator from Maine?

Does the Senator from New Hampshire want some time?

The Senator from Colorado?

Mr. CAMPBELL. Perhaps 5 minutes to wind up.

Mr. CHAFEE. Five minutes. Well, I think, due to the point the Senator from New Jersey made, we cannot get a time certain to vote. But I can say to our colleagues who are listening, it looks as if we will vote about 10 past 5. That is not a certain time but just about then. If people could stick fairly close to the times that they took, that would be helpful. We have not forestalled anybody from coming. If somebody else shows up, they have a right to speak. This is not an agreement that has been reached, but perhaps it is an indication how much time we will take.

Mr. WARNER. Mr. President, this is a very important issue. I commend our distinguished chairman. It is an issue that is held very deeply by a number of Members in the Senate, and I think we

have had an excellent debate. I commend the distinguished chairman. I happen to align myself with the viewpoints that he has. I would like to just pose a question to my friend from New Hampshire.

Members of my family are motorcycle folks and from time to time I attend the rallies. There was a rally that I attended not more than 6 weeks ago down in the area of Hampton, VA. I have never seen a more orderly or more wonderful assemblage of motorcycle individuals. They know that I am not in favor of repealing the helmets, but there was not a person there who did not treat me with complete dignity and respect. Argue and debate with me, that they did. It is interesting; their motto is "Let the riders decide."

We in our State of Virginia rank ourselves second to no State in this Union with respect to independence and individual freedom. But the question I pose to my good friend is as follows. Our State, in 1971, enacted both a seatbelt and a helmet law. This chart is down now, but we had the option presumably to repeal those laws at the time the Federal law was repealed, but we did not do it because the then Governor and others, the general assembly, felt it was in the interest of the State to keep it on, so it is still on today. It is primarily for that reason, that there has been a consistency of viewpoints of the people of Virginia on these two issues, that I support them, in addition to my own personal feelings. So I feel that I am correctly representing the State.

But our drivers, knowing that there is a seatbelt law and a helmet law, as they drive in our State, I think they have a certain feeling of personal security because there is a correlation between wearing seatbelts and surviving an accident. We all know that. The safety statistics show that. But as they venture into other States, particularly as it relates to seatbelts, should there not be the use of seatbelts in those States as we have in ours, are they not taking some personal risk?

Mr. SMITH. Are people who drive in other States without the mandate taking personal risk; is that the Senator's question?

Mr. WARNER. Let us say in other States where there is an absence of law, State and Federal, seatbelts are not required, and they follow the maxim "Let the riders decide," and there is a high percentage of use of motor vehicles without the use of seatbelts. Is there not some personal risk to those who travel from their State into another State and there is no seatbelt law?

Mr. SMITH. I just say to the Senator, we do not have, as he well knows, a seatbelt law in New Hampshire and our seatbelt use has increased almost 40 percent since 1984 through education and training.

Mr. WARNER. Mr. President, I saw those statistics. My good friend shared the statistics with me. But we also

know as a fact that absent a Federal law, the State legislatures come under tremendous pressure to repeal those laws.

Mr. SMITH. We are not asking you to repeal those laws.

Mr. WARNER. I understand that. But as drivers from States that are used to the seatbelt laws move about the United States into other States that do not have them and there is likely to be a higher percentage of the nonuse of seatbelts, that concerns me from a safety standpoint. I just say to my good friend, that is an added reason, and a strong one, why I support the position taken by the distinguished chairman and also will oppose the Senator's amendment.

I see the distinguished majority leader present.

Mr. SMITH. May I take 10 seconds just to say to the Senator, it sounds to me as if the Senator from Virginia is advocating a national helmet and seatbelt law rather than a State law, based on the comments that the Senator made, if the Senator is worried about going from one State to another. The point is, I think it is not that. It is a question of who makes the decision, and I do not think the Federal Government needs to make it.

Mr. WARNER. Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to oppose the Smith amendment to eliminate Federal mandatory motorcycle helmet requirements and seatbelt requirements.

I want to say something at this moment that I said earlier in the debate on a couple of amendments, and that is that though I may differ with colleagues on the floor as to the application of law, I do not differ with them on their interests in saving lives and protecting their citizens. I want to make that clear, because though I think they are wrong, I do not think they intentionally want anybody to be hurt as a result of it. I would like to point out why I think their logic on the amendment is entirely antithetical to protecting life, limb and property.

Mr. President, I have heard so many arguments on the floor here, and many of them revolve around whether or not we are discussing life, health, safety, and I heard the Senator from Maine before say, "No," in response to the Senator from New Hampshire, "No, that is not the issue, what we are talking about is States rights."

I do not understand that because people's lives and well-being are involved. Are we discussing process or are we discussing reality? Are we discussing the penalty that is paid for the lack of helmet use on motorcycles?

Even though I am not a resident of New Hampshire or Maine I have a deep interest in what goes on with people in our entire society.

The facts are that helmet use reduces fatality rates and severity of injury. Universal helmet rates increase helmet use and reduce deaths, and the public

bears higher costs for nonhelmeted riders when they are crash victims.

In 1975, 47 States had motorcycle helmet laws covering all riders. In 1976, the Highway Safety Act was amended to remove the Federal helmet requirements. After the act was changed, 27 States, which contained 36 percent of the American population, either repealed or seriously weakened their helmet laws. In the 5 years that followed, motorcycle fatalities increased 61 percent, while motorcycle registrations increased only 15 percent.

When Colorado repealed its mandatory helmet use in 1977, its motorcycle fatality rate increased 29 percent. Conversely, States that have passed mandatory helmet laws since 1989 have seen a significant reduction in their motorcycle fatality rate when compared to the motorcycle fatality rate in their State before passage of the law.

In Oregon, there was a 33 percent reduction in motorcycle fatalities the year after its mandatory helmet law was reenacted. California experienced a 36-percent reduction when its law went into effect. In total, the National Highway Traffic Safety Administration, NHTSA, estimated that 600 riders a year are saved as a result of motorcycle helmet use.

More than 80 percent of all motorcycle crashes result in injury or death to the motorcyclist. Head injury is the leading cause of death in motorcycle crashes. Compared to a helmeted rider, an unhelmeted rider is 40 percent more likely to incur a fatal head injury and 15 percent more likely to incur a head injury when involved in a crash.

At my request, one of the leading trauma hospitals in my State reviewed its data on motorcycle accidents over the last 3 years. According to the University of Medicine and Dentistry of New Jersey located in Newark, the deaths for motorcycle accident patients that entered their hospital was 11.5 percent, and this compared with only a 7.5 percent death rate for seriously injured automobile and truck accident patients, even though the absolute number of car and truck victims was far fewer than the motorcycle accident victims.

The failure of the motorcyclists to use helmets also has placed a huge financial burden on society. NHTSA estimates that the use of helmets saved \$5.9 billion between 1984 and 1992. Repeal of mandatory helmet requirements would increase the death rate for motorcycle riders by 391 people per year and would increase costs to society by \$380 million a year.

In these days when we are discussing skimpier budgets I do not understand what it is that makes a Federal mandate so onerous that we all ought to pay extra funds for taking care of hapless victims of motorcycle accidents.

When motorcyclists say they want Government off their backs and they want to ride bareheaded against the world, it is important to realize that there is a bill that has to be footed.

Now, I know that each of my friends here on the floor has not dissimilar experiences to me and you have visited hospital trauma wards and seen what happens with motorcycle riders who are involved in crashes.

I have seen many in my State. The most serious of injuries. My State is no different than any other. We are a little more crowded, but we are normal people just like anybody else.

The most serious injuries are those incurred by motorcyclists, often paraplegics or quadriplegics. There is nothing worse for a family to endure—nothing worse—than to see a child or a family member wind up a paraplegic. But it happens, and motorcyclists do have a different risk than automobiles.

We cannot use helmets, as was suggested. We do not need them in automobiles because we have roofs, we have roll bars, we have airbags, we have seatbelts. We have all kinds of devices to protect the driver and the occupants. That is why we continue to see declines in fatality and injury rates in automobiles, despite increasing traffic.

This amendment also eliminates federal seatbelt requirements, I find it amazing. Seatbelt use reduces the risk of a fatal or serious injury by 40 percent down to 55 percent—that much of a difference, Mr. President, 40 to 55 percent.

National seatbelt rates have gone from 13 percent in 1982 to 67 percent in 1994. Four States now have these laws. We, as a country, still travel virtually every developed nation in the world in seatbelts.

In those States with seatbelt laws, use rates average 67 percent. With strong enforcement and extensive public education, some States have been able to reach the use rate of 80 percent. Use of safety belts saved more than 40,000 lives and prevented more than 1 million injuries from 1983 to 1993. It saved \$88 billion. Each year, safety belt use prevents an estimated 5,500 deaths and nearly 140,000 injuries. It saves taxpayers more than \$12 billion annually.

Mr. President, 76 percent of Americans oppose weakening or repealing safety belt laws, and 61.9 percent believe doing so will place a greater burden on taxpayers. I get that information from the Advocates for Highway Auto Safety, who prepared that data.

We see all kinds of savings of lives and savings of injuries as we encourage helmet use, as we encourage seatbelt use.

I know one thing that saved a lot of lives—young lives—was the mandatory drinking age, at age 21. That law was written in 1984, and since that time we have saved more than 14,000 youngsters from dying on the highways. It is a good law. It also is under attack, not at the moment, but it is under attack.

We have heard it from the House that there are Members, one from Wisconsin, who want to eliminate the 21 drinking age bill, as well as seatbelts, as well as speed limits, as well as motorcycle helmets. He would eliminate



all those things because it is a matter of pride and States rights.

Who foots the bills? Every citizen in America pays the bills for these removals. I will resist it, and I hope that this Senate will resist it.

What I have heard is that this State or that State stands to lose money. For heaven's sake. How about the lives that they lose if they do not have the laws in place or have the requirements in place? Talk about mandates, mandates saving lives, saving injuries, saving the health and well-being of their citizens. Is that such an onerous burden, that we will take away these protections that we have developed over a long period of time?

When it comes to the statistics, we hear them kicked around here pretty good. We hear about the reduction in fatalities or injuries in this place; then I hear just recited the number of injuries, fatalities, and destruction of property in another place. The question is, are we comparing apples to apples and oranges to oranges? I am not sure.

Mr. President, I hear the words, I listen to the debate. Frankly, I do not understand what it is we are trying to do here. I think we ought to hold fast to the laws that have been developed.

So I think the argument is bogus. I think the States rights argument is hollow when it comes to saving lives and reducing injuries and reducing costs.

I hope, Mr. President, that we will be able to defeat this amendment.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Maine.

Mr. COHEN. Mr. President, I would like to address the issue of motorcycle helmet laws just referred to by my colleague from New Jersey. Senator Snowe apparently plans to offer her amendment at a later time to the legislation, an amendment to repeal the penalties levied under section 153 of the Intermodal Surface Transportation Efficiency Act [ISTEA] on the States that do not impose mandatory helmet use by motorcyclists.

I find the statement just made somewhat ironic: What about all of the fatalities suffered by those who ride motorcycles, what about the loss of a limb, the serious accidents, the productivity losses attributable to accidents?

It would seem to me that States would have an equal interest. States are not immune to concern for their citizens. Why is it that one-half of all the States in this country do not have mandatory helmet laws? They have a vested interest in keeping Medicaid expenses from being excessive and going up. They have an interest in not having their citizens become paraplegics. They have an interest, it seems to me, in helping to protect their citizens' lives.

Why is it that they have refused to impose helmet laws? I think it is because there is a division of opinion on the issue of helmet laws. With regard to safety belts, there seems to be a general consensus that they do, in fact,

help reduce fatalities and the severity of injuries in serious accidents. But there still is dispute with respect to motorcycle accidents and helmets.

Between 1980 and 1993, motorcycle accidents and fatalities declined by some 53 percent each, Mr. President. Now, these downward trends in accidents and fatalities were well underway before we passed ISTEA and section 153 in 1991.

So the decline in the accidents and the fatalities cannot be attributed to the passage of a law in 1991.

Mr. CHAFEE. May I make a point?

Mr. COHEN. I am happy to yield to the Senator.

Mr. CHAFEE. It is important to remember that many States had passed the mandatory helmet law previous to 1993; in other words, in 1991 and 1992: Texas, Florida, North Carolina, California, New York, and so forth.

Mr. COHEN. If that were the case, then it seems to me that the States which had the mandatory helmet laws would have the best safety records. But that, I think, as Senator SNOWE has clearly pointed out, does not seem to be borne out by the facts.

We would assume those who have the mandatory helmet laws have the best records. In fact, over one half of the States with the lowest fatality rates per 100 accidents over the past several years have not had helmet laws.

Even though Texas, California, and other States have mandatory helmet laws, we cannot draw a causal connection in this case, because Maine, which does not have a mandatory helmet law, had the second lowest fatality rate in the country in 1993, which is the last year for which statistics are available.

I think a lot of it is due to the fact that we have safety education programs. Senator SNOWE has talked at length about this, but back in 1991, Maine started requiring all applicants for a motorcycle learner's permit to take an 8-hour safety course. Anyone who offers the safety instruction must be certified by the State.

Senator SNOWE has talked about the United Bikers of Maine [UBM]. UBM members have taken the lead in developing and offering the safety course to beginners. They have augmented it with a road training course, which most beginners take, although the State does not require it. Now, the UBM offers refresher and advanced safety courses and road training for experienced riders, as well. So I think what we have in Maine is a very serious education program and, as a result of that program, we have seen fatalities drop.

In 1991 we had 30 motorcycle fatality accidents. In 1992, the number dropped to 21. In 1993, fatalities declined to 10. We had the second lowest fatality rate per 100 motorcycle accidents in 1993. It is due, in my judgment, to motorcycle safety training, these courses that are being conducted.

I have met with the UBM members on a number of occasions, I must tell

you, both here in Washington and back home. I would say I have been struck, as I know my junior colleague has, by the seriousness with which they approach motorcycle riding. These are serious-minded men and women who take what they are about very, very seriously. They have taken the leadership role in our State to ensure that concomitant with motorcyclists' freedom to ride without a helmet is the responsibility to ride safely.

They have pointed out that there is great division within their own membership. Many of the members wear motorcycle helmets all on their own. They are not required to do so. They wear them. But there are others who maintain that wearing a helmet obscures their vision, it obscures their hearing, it produces fatigue and whiplash, and induces a false sense of security, especially among younger, less experienced riders.

You can debate that. They are out riding. You and I are not out there on the bikes riding every day. Were I to do so, in all likelihood I would probably wear a helmet. But I must defer to those who ride on a regular basis, since there is a division of opinion on this.

If we look at the record, the record would seem to indicate that Maine does all right. Maine does all right by any standard. The question is, Why is it necessary now for the Federal Government to mandate that Maine impose a mandatory helmet law or divert funds necessary for road repair and maintenance to a safety programs that is sufficiently self-financed by motorcyclists already? Why are we going to penalize the State of Maine? Maine needs all of the money it receives to address a growing backlog of road repair, maintenance and improvement projects, a backlog that threatens all motorists. We want to penalize the State in order to force its compliance with this law, when the State is making pretty good progress all on its own? The State of Maine is doing all right in terms of its safety programs.

So I intend to support the Senator from Maine, Senator SNOWE, when she offers her amendment later today or tomorrow, because I believe the States feel an obligation to look after their citizens. Many of them feel the same commitment to safety as we do here in Washington. It would seem to me Senator SNOWE makes a valid point when she talks about what the elections of last November revealed. Many people feel that we in Washington intrude too frequently upon decisions that they feel they can make at the local or State level just as adequately or better than we can.

So when she offers her amendment, I intend to support it at that time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise in strong opposition to this amendment. I understand the philosophical argument, the States rights argument that

has been made on this floor. I think it has, certainly, some validity. It's a philosophical argument. It is an argument about what the Federal Government should do and what the States should do.

But as I concede to the other side on this issue, I hope they would also understand that does not tell the full story. This is not an abstract debate about States rights. As I said this morning in the debate, what we do in this Chamber has consequences. There is no greater example than what we are about today. There will be consequences, and they are not just philosophical. They are not just abstract. They are practical, life and death consequences based on what we do today.

So let us not just say it is a philosophical debate and you are either for States rights or you are against States rights. I do not think too many people would look at my record over the years and say I am against the States. I spent over half of my career at the county level and State level, not here in Washington. But I think this debate is about a lot more than just philosophy and a lot more than just States rights. I think it is about lives.

We debated earlier today my amendment and the amendment of Senator LAUTENBERG that we offered to deal with speed. We lost that amendment.

Basically what this Senate said, what the will of the Senate was this morning—and I certainly respect that—is the Federal Government is going to back off. The green light is out. We no longer have any national interest in the issue of speed on interstate highways. I respect that. I disagree with the decision by the Senate, but I certainly respect that.

Now we are back on the floor with an amendment that says the Federal Government has no interest, we have no interest as a nation, in the issue of seatbelts. I really cannot believe we are here talking about this.

I was not going to become involved in this debate. I thought enough this morning was enough. But as I listened to the debate on the floor, I frankly felt compelled to come over here and talk, and talk about an issue I feel very, very deeply about. Do we really want the legacy, or one of the legacies of this Congress, of this Senate, to be for the first time in years we will say we do not care about seatbelts, who wears them and who does not? We do not care about speed? I think that would be a sorry legacy for this Congress. It may occur, but it will not occur with this Senator's vote.

I mentioned I have spent over half of my career at the county level and State level. One of my elected positions over the last 20 years was as Lieutenant Governor of the State of Ohio. My job as Lieutenant Governor was to oversee our anticrime and our antidrug efforts. I had at various times five or six different agencies that reported directly to me on behalf of the Governor. One of the departments that

reported directly to me was the department of highway safety. So I have been intimately involved with this issue over the last 4 years. Prior to that time I was a State senator in Ohio. I wrote our drunk driving law. So I have lived with this.

We used to say, when we went around and talked about highway safety when I was Lieutenant Governor and when we tried to institute programs—we used to say there were three things that caused auto fatalities. This was kind of an oversimplification, but I think it did not miss it by far. There were three things: use of seatbelts, drinking and driving, and speeding. You can just about categorize every single auto fatality into one of those categories. So, if you are trying to cut down on auto fatalities, you have to deal with those three issues.

We have already said we do not care about the issue of speed. Now we are preparing, possibly, to say we do not care about the issue of seatbelts. I think that would be a tragic mistake.

I understand that my colleagues, for whom I have a great deal of respect, the Senator from New Hampshire, the Senator from Maine—their argument is really that is not what we are saying. We are not, by this action today, repealing any seatbelt law. We are not by this action today repealing any speed laws. Mr. President, that is technically true. That is true. But that does not tell the entire story, and I think it misleads a little bit to only say that, because I think we know what the consequences of our actions are.

Is there anyone in this Chamber who believes that virtually every State in the Union would have passed seatbelt laws when they did but for the action of the National Congress? I do not think anybody here would claim that. Just as I do not think there is anybody here who would stand up here with a straight face and say that with the action we took this morning, the action we may take this afternoon, the action with speed, the action with seatbelts, that some States will not change what they are doing. They clearly will. We will have a retrenchment. We will have a retrenchment in two areas that every expert that I have ever heard from, anybody I have ever talked to who knows anything about this issue, has said: These are key—speed, seatbelts—you will save lives. Cut down the speed and if people wear seatbelts, you will save lives.

I have yet to hear in the debate today anybody come up and cite an expert who says that is wrong. So I think this would be a sad legacy for this Congress. I think for those who say it is a philosophical debate, I again emphasize it is more than a philosophical debate. It is a question of lives.

For those who say we are really not repealing the speed limit, we are really not repealing seat belt laws—yes, that is technically true. But, no, it does not tell the full story.

So the action we take today will affect lives. As I said this morning when we talked about speed—and I will say the same thing again about seatbelts—if you have less use of seatbelts, if you have higher speed, more people will die. And that is the natural consequence of what we appear to be about ready to do.

So, I will in a moment yield the floor. But I believe this is a debate of great significance. I have been a States rights supporter for years. I do not think anyone would look at my record and argue with that. But that is not the entire debate today. The entire debate today has to look at what works and what does not work; what makes a difference and what does not make a difference. Let me say the evidence is absolutely overwhelming, the jury has returned. The jury is back. Seatbelt use makes a difference, and that is why I oppose the amendment of my colleague, Senator SMITH.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I ask unanimous consent to add Senator BROWN as a cosponsor of my amendment.

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

Mr. SMITH. Mr. President, I would just like to take about a minute or two to conclude here, to say I listened very closely to my colleague from Ohio. We are not opposed to the use of seatbelts. This amendment does not preclude the State of Ohio or any other State from having seatbelts.

Mr. DEWINE. Will the Senator yield on that?

Mr. SMITH. Yes.

Mr. DEWINE. Does the Senator believe this amendment—I do not think he would have offered the amendment, though, if he did not think there would be some consequence to it? That there would be a change by the States?

Mr. SMITH. There is no change.

Mr. DEWINE. I am sorry?

Mr. SMITH. I say to my colleague—

Mr. DEWINE. The States will take no—no actions will be changed at all?

Mr. SMITH. No, nothing. Nothing. We are simply asking that States like Maine and New Hampshire that choose not to have mandatory seatbelt laws and/or helmet laws, in this case Maine and New Hampshire, mandatory helmet or seatbelt—we are simply asking that we not be penalized and be told to spend additional dollars on safety programs that we are already spending dollars on. We would rather use that money for highways to save lives.

Mr. DEWINE. If the Senator will continue to yield for just a moment?

Mr. SMITH. Yes.

Mr. DEWINE. I understand his position. But does the Senator believe, though, that with the other 48 States there will not be some change? Just as there will be change in action in regard to the speed?

This is not just a philosophical debate. This is a practical debate for your

State but it is also a practical debate for the other 48 States as well.

I cannot believe that this amendment will not lessen the use of seatbelts or at least the laws on the books, just as the debate this morning on the bill, the way it is written, will not—some States will not change speed limits?

I mean, the amendment would not have been offered this morning or the bill would not have been written this way if people did not think that was true. So I mean it is not just a philosophical debate. It has consequences, it seems to me.

Mr. SMITH. The point is the amendment which I have written in conjunction with others is not to punish anyone. It is the opposite. It is to stop punishing. The State of Ohio, for example, was penalized over \$9 million because the Senator's State does not have a helmet law.

Mr. DEWINE. That is right.

Mr. SMITH. And my point on that is it does not matter to me whether Ohio has a helmet law or not. That is up to Ohio. It is not up to Washington. So if Ohio chooses not to have a helmet law but chooses to spend a lot of money in safety to enhance and to educate people to wear helmets, I would like them to have that \$9 million to spend on the highways in Ohio, to repair bridges, potholes, and other things in Ohio, because that is the State's decision. That is all my amendment does. It does not stop Ohio from having seatbelts. It does not stop Ohio from getting money for having seatbelt laws or educating people to wear them or not wear them—not at all.

Mr. DEWINE. If the Senator will yield, I was directly involved in the spending of that \$9 million. That money was, in fact, as the Senator can tell by the legislation, used on highway safety issues. Many people in Ohio were very upset about that, obviously, and have been upset about it.

My only point in asking the question is a statement was made, basically, we are not telling anybody what to do. I understand that. My only point though is that there are consequences to what we do. There are consequences to what we do not do.

My point is pretty simple. My point is that there will be a change in the use of seatbelts. There will be a change in what States do, just as there will be a change in regard to when we took the red light off and put the green light on this morning on speed limits. We are going to see a change. Because you will see that change, there will be other changes, and the other changes, I believe—the evidence is absolutely overwhelming—means that more people are going to die. There is no doubt about it.

Mr. SMITH. Does the Senator from Ohio believe that his decision should take precedence over the Governor of Ohio, or the Lieutenant Governor?

Mr. DEWINE. I have not talked to the Governor about this issue.

Mr. SMITH. I have not either. But my point is these are decisions that

ought to be made at the State and the individual level. Let me give an example, because the Senator asked about the record.

In New Hampshire—I am not sure the Senator was here on the floor at the time this was discussed—in 1984, 16 percent of the people in New Hampshire, according to statistics that we had at the time, used seatbelts. Without a mandate, with spending money on safety programs, we now have about 55 percent of our people in the State of New Hampshire using seatbelts. There was no Federal mandate. I would be willing to bet you that in the next 10 years, that number will increase even more because we are spending money on education programs. But if I said to you, you need to build a fence between your neighbor's yard and your yard, and it is going to take five post holes, if I said to you, "You have to dig a sixth post hole or you don't get the money for the fence," what is the point of digging the sixth post hole? You need the fence, you need the money for the fence, but you do not need the extra post hole. That is all we are doing here.

You are simply mandating the State of New Hampshire and the State of Maine and other States who do not have the one law or the other to spend money where they do not want to spend money, where they are spending enough money, and they simply want to put that money somewhere else. That is the issue.

Mr. DEWINE. If the Senator will yield one last time, the Senator has been very generous with his time because I realize he has the floor. I just believe all those Senators were eloquent on the issue that we have come so far in this country in reducing fatalities, we have done it in many ways—with seatbelts, airbags, with better designed highways and cars. We have come a long way. I do not see how this debate can totally be viewed as a States rights debate. To me, yes, it is partially a States rights debate. I happen to have some feelings about that in regard to the Interstate Highway System that we build with the tax dollars. It is an Interstate System in interstate commerce. Clearly, Congress can have some uniformity in this area. That is really not my point.

My main point is we have come a long, long way in trying to save lives. I think we are turning the clock back with what we did this morning, and what we may do in a moment, if we pass the Senator's amendment. We would be turning the clock back, having sent the wrong signal. I think it is moving in the wrong direction, and I think it is ill-advised.

I respect the Senator's position. I will yield back to him at this point.

Mr. SMITH. I thank the Senator. Let me finish on this point.

I am certainly not interested in rolling back the clock on highway safety or on saving lives. My amendment does not do that. I just point out to my colleagues that of the 10 safest States in

which you ride a motorcycle, 7 do not require a mandatory helmet use for adults. In New Hampshire, which does not have mandatory helmet and seatbelt laws, it has been ranked as one of the five States with the best highway safety record in the Nation on a per capita basis.

So I do not think the connection is there. It is not an issue of whether we want to save lives or not. No one is even hinting that we are not interested in saving lives. I hope the people look at the amendment for what it says, and not what the emotions of the argument are. But look at the facts, and the facts are do not punish anybody. We simply ask that we be allowed to receive the funds that we are entitled to and to spend it on repairing highways so that we can have safer highways in the State of New Hampshire and the State of Maine and the State of Tennessee, and every other State, and not be penalized by forcing us to either spend money for something we do not need to spend it on, or not getting it to spend it all.

I yield the remainder of my time.

Mr. CHAFEE. Mr. President, I would like to commend the Senator from Ohio because I think he put his finger right on the point. It is not that nobody wants to have more highway deaths. It is not that anybody wants to see more people terribly injured. But the facts are that, if this bill passes, the States will be under tremendous pressure, just as they were in 1976 after 10 years of experience with the mandatory law—the mandatory law was repealed in 1976—and 27 States repealed the laws they had dealing with mandatory seatbelts and helmets.

It follows as night follows day. It is not the intention of the Senator from New Hampshire, but that is what is going to happen as sure as we are standing here.

So, therefore, a vote for the amendment of the Senator from New Hampshire, inadvertent though it might be in his judgment, is clearly going to result in increased deaths on motorcycles and in automobiles in our country. The statistics show it. There is no difference between what we are doing here than what took place in the 10-year period from 1966 to 1976. Sometimes, you learn from experience. This is clearly a case where we can learn from experience.

I know the Senator feels that in his State—and the Senator from Maine and some other States—they ought to have the privilege to do what they want. But I think we have some responsibilities as Senators. Yes, it is a financial drain on us and our Nation if we do not pass this law. I do not think there is any debate about that; that is, if we do not maintain the laws dealing with seatbelts and motorcycle helmets.

We had testimony. Just talk to anybody, to any physician who serves in an emergency room, for example. They all

will tell you that absent seatbelts, accidents are 10 times more grievous. It is the same with helmets.

It is so ironic that the motorcyclists will campaign to get rid of mandatory motorcycle helmet use, and yet in their meets, in their sanctioned meets, they will require it. They require the use of a helmet. But for us to impose it—it is all right for them to do it in their meets, but if we say you have to have such a law or you lose some money, obviously an inducement to pass a law, somehow we are infringing on their freedoms.

Mr. President, there are various bills that come through here which we all vote on at different times. I suppose so far this year maybe we have had, I do not know, 100 rollcall votes, or something like that. Sometimes we vote on bills, and, "Oh, well. It could go this way or that way. We don't have much deep feeling about it." But I tell you, I have a very deep feeling about this legislation. I think we would be making a terrible mistake if we approved the amendment that we are going to vote on in a few minutes.

I know the Senator from Colorado wanted to speak.

Mr. CAMPBELL. To shorten the debate, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE] and the Senator from Washington [Mrs. MURRAY], are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mrs. MURRAY], would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—45

Abraham	Gregg	Nunn
Ashcroft	Hatch	Packwood
Bennett	Helms	Pressler
Brown	Inhofe	Robb
Burns	Kassebaum	Roth
Campbell	Kempthorne	Santorum
Cochran	Kyl	Shelby
Craig	Leahy	Simpson
Dole	Lott	Smith
Domenici	Lugar	Snowe
Feingold	Mack	Specter
Graham	McCain	Stevens
Gramm	McConnell	Thomas
Grams	Murkowski	Thompson
Grassley	Nickles	Thurmond

NAYS—52

Akaka	Bradley	Cohen
Baucus	Breaux	Conrad
Biden	Bryan	Coverdell
Bingaman	Bumpers	D'Amato
Bond	Byrd	Daschle
Boxer	Chafee	DeWine

Dodd	Hollings	Moseley-Braun
Dorgan	Hutchison	Moynihan
Exon	Jeffords	Pell
Faircloth	Johnston	Pryor
Feinstein	Kennedy	Reid
Ford	Kerrey	Rockefeller
Frist	Kerry	Sarbanes
Glenn	Kohl	Simon
Gorton	Lautenberg	Warner
Harkin	Levin	Wellstone
Hatfield	Lieberman	
Heflin	Mikulski	

NOT VOTING—3

Coats	Inouye	Murray
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So the amendment (No. 1437) was rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN addressed the Chair. The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 1438

(Purpose: To prohibit the funding of new highway demonstration projects)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. FEINGOLD, and Mr. SMITH, proposes an amendment numbered 1438.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

**SEC. 1 . PROHIBITION ON NEW HIGHWAY DEMONSTRATION PROJECTS.**

(a) IN GENERAL.—Notwithstanding any other law, neither the Secretary of Transportation nor any other officer or employee of the United States may make funds available for obligation to carry out any demonstration project described in subsection (b) that has not been authorized, or for which no funds have been made available, as of the date of enactment of this Act.

(b) PROJECTS.—Subsection (a) applies to a demonstration project or program that the Secretary of Transportation determines—

(1)(A) concerns a State-specific highway project or research or development in a specific State; or

(B) is otherwise comparable to a demonstration project or project of national significance authorized under any of sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2027); and

(2) does not concern a federally owned highway.

Mr. McCAIN. Mr. President, I would like to explain the amendment. I apologize to the Senator from Maine if there was a misunderstanding on the sequence.

Mr. President, the amendment that I offer, along with Senators FEINGOLD and SMITH, would prohibit the use of highway funds for future—and I emphasize "future"—demonstration projects which have not already been authorized or started upon the date of enact-

ment of this measure. Let me say it again. No demonstration project now authorized for which money has been appropriated will be affected by this amendment.

The amendment states that Congress will approve no new highway demonstration projects. This is strongly supported by the National Taxpayers Union and Citizens Against Government Waste, two organizations which exert a great amount of energy trying to reduce wasteful spending.

The problems associated with diverting Highway Trust Fund money to pay for congressionally earmarked highway projects are well documented and have been debated before. But, regrettably, the practice of taking taxpayer dollars that would otherwise be allotted to the States fairly for their priorities, so that Members can fund hometown projects—projects which may have absolutely nothing to do with the States' transportation problems—continues, and it demands our attention. Over the last 2 fiscal years, Congress has earmarked more than \$2.7 billion for highway demonstration projects in select States—that is \$2.7 billion which could have and should have been distributed to all States on a fair and equitable basis.

The President's budget request recommends the cancellation of these so-called demonstration projects. As stated in the President's budget:

Such projects have been earmarked in congressional authorization and appropriations laws. These projects limit the ability of the States to make choices on how to best use limited dollars to respond to their highest priorities.

Vice President GORE has also raised serious concerns about these so-called demonstration projects. As he stated in Reinventing Government:

GAO also discovered that 10 projects—worth \$31 million in demonstration funds—were for local roads not even entitled to receive Federal highway funding. In other words, many highway demonstration projects are little more than Federal pork.

The Reinventing Government report went on to say:

Looking specifically at the \$1.3 billion authorized to fund 152 projects under the 1987 Surface Transportation and Uniform Relocation and Assistance Act, GAO found that "most of the projects . . . did not respond to States' and regions' most critical Federal aid needs.

Unfortunately, Congress continues to avail itself of its most favored projects. The amendment I am offering does not go as far as the President's recommendation. It would not cancel any current highway demonstration projects or projects which have been authorized. It would only prohibit future demonstration projects.

Now, Mr. President, I want to be clear. I have tried before to kill these things. I have tried to get rid of them. I have had amendment after amendment to try to stop these. I am aware if I try to stop projects that have already been authorized and appropriated, I would fail. But I appeal to

the good sense and decency of my colleagues to at least stop this in the future. That is what this amendment is all about.

I am not asking the Senate to go as far as last year's amendment. I realize that Members from States with projects in the pipeline find it very hard to vote for cuts. I am only asking that we state clearly that earmarking is not how Congress will do business in the future.

Mr. President, I recently asked the Federal Highway Administration to calculate, by State, the amount of highway funds which have been earmarked over the last 2 fiscal years and to identify how this money would have been distributed if subject to the normal highway allocation formula. The results are hardly surprising. Thirty-three States received less money because of the earmarks. The taxpayers of these 33 States, who sent their money to Washington in the form of taxes, did not get an equitable amount in return because of the inequitable practice of earmarking highway demonstration projects.

Listed here are the 33 States which have been shortchanged. That word "demo" here has no reference to political party. It means demonstration projects. Of these 33 States, I notice the State of Washington is missing. I say to my friend from the State of Washington.

Mr. President, 33 States receive less money because of the earmarking practice. The taxpayers of these 33 States have not received their equitable share of highway funds. Every year they send their tax dollars to Washington with the expectation that the funds for highway projects will be distributed fairly. Something happens before the money is distributed. The process is twisted by the process of earmarking. I am not saying all congressionally earmarked projects are without merit. Many have great merit. Many others, however, do not.

Surely, no one in the Congress is without blemish. If a project has merit, it should be a priority under the State transportation plan. As President Clinton said, highway aid should be distributed fairly according to the established formula so the taxpayers' dollars could be spent according to the priorities established with such great care and expertise by those best qualified to do so—the individual States.

Mr. President, the amendment is a modest step toward reform. The current process, in my view, does not serve the public. It should be stopped.

I hope my colleagues will support me in this amendment.

Mr. President, I ask unanimous consent that a memorandum from the U.S. Department of Transportation, Federal Highway Administration, concerning distribution of earmarked demonstration funds, be printed in the RECORD.

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

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION: TECHNICAL ASSISTANCE TO THE OFFICE OF SENATOR JOHN MCCAIN

[Distribution of earmarked demo Funds based on the fiscal year 1995 distribution of the Federal-aid obligation limitation, June 15, 1995]

State	Actual distribution of fiscal year 1994-1995 earmarked demos	Hypothetical distribution based on the fiscal year 1995 FAH limitation distribution	Difference
Alabama	63,844,784	46,248,098	(17,596,686)
Alaska	0	37,230,992	37,230,992
Arizona	4,389,600	34,031,360	29,641,760
Arkansas	139,470,486	28,305,175	(111,165,311)
California	140,881,126	225,435,520	84,554,394
Colorado	1,067,200	32,723,857	31,656,657
Connecticut	29,887,200	56,883,084	26,995,884
Delaware	0	12,001,264	12,001,264
District of Columbia	8,132,800	15,592,153	7,459,353
Florida	72,526,891	90,744,077	18,217,186
Georgia	44,693,584	71,767,571	27,073,987
Hawaii	5,708,000	19,494,218	13,786,218
Idaho	25,907,200	20,495,039	(5,412,161)
Illinois	153,438,774	104,048,256	(49,390,518)
Indiana	49,048,200	53,509,800	4,461,600
Iowa	56,030,827	35,367,547	(20,663,280)
Kansas	25,641,400	33,250,933	7,609,533
Kentucky	46,498,800	39,206,485	(7,292,315)
Louisiana	36,647,123	42,562,594	5,915,470
Maine	68,852,800	14,546,001	(54,306,799)
Maryland	61,164,800	50,501,218	(10,663,582)
Massachusetts	1,959,168	128,102,623	126,143,455
Michigan	92,117,080	68,433,290	(23,683,790)
Minnesota	81,441,320	46,551,977	(34,889,343)
Mississippi	11,833,197	30,166,296	18,333,100
Missouri	55,931,864	57,244,683	1,312,819
Montana	7,124,000	28,259,211	21,135,211
Nebraska	11,207,360	22,815,133	11,607,773
Nevada	41,252,914	18,069,114	(23,183,800)
New Hampshire	11,812,800	13,838,602	2,025,802
New Jersey	98,667,200	86,770,076	(11,897,124)
New Mexico	14,274,400	30,789,792	16,515,392
New York	150,313,547	157,276,319	6,962,772
North Carolina	65,051,600	66,112,858	1,061,258
North Dakota	26,128,000	18,084,249	(8,043,751)
Ohio	61,064,880	100,514,361	39,449,481
Oklahoma	29,737,220	36,242,397	6,505,177
Oregon	21,928,000	34,699,182	12,771,182
Pennsylvania	345,858,280	144,496,236	(201,362,044)
Rhode Island	21,126,880	16,786,071	(4,340,809)
South Carolina	14,241,600	30,789,683	16,548,083
South Dakota	8,888,960	20,473,729	11,584,769
Tennessee	16,196,192	55,184,502	38,988,310
Texas	109,697,114	168,356,581	58,659,467
Utah	7,011,200	21,684,270	14,673,070
Vermont	7,360,000	12,864,339	5,504,339
Virginia	61,636,000	61,668,894	32,894
Washington	39,280,800	38,727,527	(553,273)
West Virginia	212,335,480	27,595,907	(184,739,573)
Wisconsin	26,312,000	47,489,922	21,177,922
Wyoming	7,360,000	18,724,203	11,364,203
Puerto Rico	0	13,223,382	13,223,382
Total	2,692,980,651	2,692,980,651	0

Mr. MCCAIN. Mr. President, I had a couple more charts here.

President Clinton, in his budget request, said, "Such highway demonstration projects should compete for funds through the normal allocation and planning processes within the Federal-aid highways grant program."

Mr. WARNER. Could I ask the Senator if he desires a rollcall vote on this? If so, I would suggest he order the yeas and nays and let the Senate know.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I thank my colleague from Virginia.

I will not take any longer on this issue. It is one that has been debated in this body for quite a while. I want to emphasize again, this does not affect any already authorized or appropriated highway demonstration project.

Mr. President, in February 1994 there was a very interesting article in the Orlando Sentinel. It had some very interesting information where it says:

The money used for demo projects amounts to less than 5 percent of the \$20-billion-a-year federal highway program. But transportation experts—including those at the General Accounting Office—say this is money not well spent.

"In 1991 we found that about half of the demonstration projects we reviewed did not appear on state or regional transportation plans," GAO official Kenneth Mead told a congressional committee last year. As such, the demo projects leaptfrogged what local transportation officers had set as priorities.

"Some (demo projects) are probably questionable, and I'm being charitable with that description," said Florida Transportation Secretary Ben Watts. "I think a lot of times the only thing they demonstrate is that you can get a demonstration project."

Mr. President, I would not be quite that harsh in my description of what a demo project is, but it is time we really restored equity to all the States in this country.

I believe we can do that through an equal distribution through the existing highway formula rather than earmarking demonstration projects. I yield the floor.

Mr. GLENN. Mr. President, I rise in support of the Senator from Arizona. He and I have talked about some of these things before.

We have done studies. We have had GAO studies done. And every time we come to something like this, we do this and we say we do not want to offend somebody over in the House or here that has one of these special projects that is not really needed.

The President has addressed this. He did not want these types of things in the budget this year. The Senator from Arizona cited from several studies that have been done on this as one of the most wasteful things in the budget.

I hope we can support this. I am glad he called for the yeas and nays. I plan to support it. I urge my colleagues to do the same. I thank you.

Mr. BAUCUS. Mr. President, I, too, urge the Senate to support the Senator from Arizona.

I remind the Senate we would not be here tonight debating this bill if this amendment in effect were law. That is, last year we had the NHS bill up. It did not pass the Congress. Why? Because it got loaded up with demonstration projects.

I just think that the day has now passed—it should be past—that we load the bills up with demonstration projects. States can decide for themselves how to spend highway funds.

I strongly urge the support of this amendment. It will be a good day for, frankly, good government and for cleaning up the appropriations process and even cut down a little bit of deficit reduction if we adopt this.

Mr. WARNER. Mr. President, I would like the attention of the Senator. I support the amendment. If there is no further debate, I would urge its adoption.

Mr. KYL. If the Senator would yield, I would like to express my support for the amendment of my colleague from Arizona.

For all of the reasons that he stated, it is about time we did this. I think everyone who has spoken has confirmed the need for this amendment.

I wholeheartedly support the amendment of my colleague from Arizona.

Mr. WARNER. Mr. President, for the information of Senators, the managers will remain on the floor in the hopes to clear such amendments that will not require rollcall votes. I anticipate that the leadership will soon be advising the Senate with respect to rollcall votes.

Tomorrow, it would be my recommendation to the leadership that the Snowe amendment be the first amendment up for purposes of a rollcall vote.

Mr. CHAFEE. Mr. President, I commend the Senator from Arizona for his amendment. I think it is good. I will support it. We will vote for it. And I also commend him for the excellent remarks he made about Senator KERREY and Senator KERRY's splendid achievement.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1438, offered by the Senator from Arizona.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. COATS] and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE] and the Senator from Washington [Mrs. MURRAY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 21, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—75

Ashcroft	Ford	Mack
Baucus	Frist	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Moseley-Braun
Bradley	Graham	Moynihan
Brown	Gramm	Murkowski
Burns	Grams	Nickles
Byrd	Grassley	Nunn
Campbell	Gregg	Packwood
Chafee	Hatch	Pell
Cochran	Helms	Pressler
Cohen	Hollings	Pryor
Conrad	Hutchison	Robb
Coverdell	Inhofe	Rockefeller
Craig	Kassebaum	Roth
D'Amato	Kempthorne	Simon
Daschle	Kennedy	Simpson
DeWine	Kerrey	Smith
Dodd	Kerry	Snowe
Dole	Kohl	Stevens
Domenici	Kyl	Thomas
Dorgan	Leahy	Thompson
Exon	Lieberman	Thurmond
Faircloth	Lott	Warner
Feingold	Lugar	Wellstone

NAYS—21

Abraham	Bumpers	Lautenberg
Akaka	Feinstein	Levin
Bennett	Harkin	Mikulski
Bond	Hatfield	Reid
Boxer	Heflin	Santorum
Breaux	Jeffords	Sarbanes
Bryan	Johnston	Specter

NOT VOTING—4

Coats	Murray
Inouye	Shelby

So, the amendment (No. 1438) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Now, Mr. President, that was the last vote of tonight by rollcall. It is the desire of the managers, however, to try and clear up a few amendments which have been agreed to.

AMENDMENT NO. 1439

Mr. WARNER. At this time, Mr. President, I send to the desk an amendment on behalf of Senator THURMOND, Senator HELMS, Senator FAIRCLOTH, and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND for himself, Mr. HELMS, Mr. FAIRCLOTH, and Mr. WARNER, proposes an amendment numbered 1439.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 34, strike lines 17 through 24 and insert:

“(dd) United States Route 220 to Untied States Route 1 near Rockingham;

“(ee) United States Route 1 to the South Carolina State line;

“(ff) South Carolina State line to Charleston, South Carolina; and”.

On page 35 between lines 13 and 14, insert:

“(ee) United States Route 220 to United States Route 74 near Rockingham;

“(ff) United States Route 74 to United States Route 76 near Whiteville;

“(gg) United States Route 74/76 to the South Carolina State line in Brunswick County;

“(hh) South Carolina State line to Charleston, South Carolina”.

On page 34, strike lines 8 and 9 and insert:

“(iii) In the states of North Carolina and South Carolina, the corridor shall generally follow—”.

Mr. WARNER. Mr. President, the national highway map will make reference to I-73, and that route will traverse Virginia, North Carolina, and South Carolina. The Senators of these three States have now reached an agreement with respect to the course it will follow in each of the three States. This amendment recites specifically facts relating to the route in North Carolina and South Carolina. I know it has been cleared on the other side. I do not think further debate is necessary. Therefore, I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

So the amendment (No. 1439) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1440

(Purpose: To clarify the treatment of the Centennial Bridge, Rock Island, IL, under title 23, United States Code)

Mr. WARNER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. WARNER. The amendment is on behalf of Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. HARKIN, and Mr. GRASSLEY.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SIMON, for himself, Ms. MOSELEY-BRAUN, Mr. HARKIN, and Mr. GRASSLEY, proposes an amendment numbered 1440.

Mr. WARNER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

**SEC. 1 . TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.**

For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled “An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa”, approved March 18, 1938 (52 Stat. 110, chapter 48), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of the title.

Mr. WARNER. This is to extend the collection of tolls on the Centennial Bridge between Illinois and Iowa in perpetuity as long as excess revenues are used for transportation purposes. Current law would require the toll authority to remove the tolls when the bonds are paid in the year 2007.

Mr. President, I do not see the need for further debate on this amendment, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

So the amendment (No. 1440) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1441

(Purpose: To place a moratorium on certain emissions testing requirements, and for other purposes)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator GREGG and Senator BOND.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GREGG, for himself, and Mr. BOND, proposes an amendment numbered 1441.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

**SEC. 1 . MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.**

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the "Administrator") shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the "Administrator") shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

Mr. WARNER. This is to place a moratorium on certain emissions testing requirements. And it has been cleared by both managers. There is no indication that further debate is needed. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 1441) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, it is my pleasure to speak on the matter currently before the United States Senate which designates the National Highway System [NHS]. This legislation not only identifies the 159,000-mile NHS, but it provides greater flexibility to the States and attempts to reduce administrative burdens. I believe this is an important step forward in planning for our Nation's infrastructure development and that the Senate should act quickly in passing the National Highway System Act.

The Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]

requires Congress to designate the NHS by September 30, 1995. The House and Senate each passed different NHS bills during the last Congress and, unfortunately, a compromise between the two could not be crafted. Without this measure all NHS and Interstate Maintenance funding, which totals approximately \$6.5 billion per year through FY 1997, for the states would cease on that date. Consequently, by acting on this important measure at this early date we are helping to ensure that a bill is passed into law before repercussions are felt by the states.

For Americans across the country, our emerging transportation crisis is made apparent by the increasing number of traffic jams, delays, potholes, and road erosion in rural areas. Oregonians are no less afflicted by these growing problems than those in the rest of the Nation. As frustrating as they are, these problems represent only the tip of the iceberg.

Many do not realize the true importance of our tremendous network of roads and bridges to our economy, national security, and way of life. The health of our citizens, the education of our children, the movement of our perishable food and access to employment all depend upon a reliable and efficient transportation network. The National Highway System is a vital investment in our transportation infrastructure which will allow our society to continue to prosper.

Mr. President, the people of Oregon have long understood the importance of land use planning that incorporates transportation needs. The residents of Portland have frequently made their resounding support for the city's light rail project abundantly clear. As with most Western States, the people of rural Oregon rely constantly on an effective highway system which allows them to access educational, economic, and health care facilities.

Even though my support for this important legislation is extremely clear, there are several specific provisions of this bill which I cannot endorse and I will address these concerns through the amendment process. I continue to believe that in the aggregate this is an excellent piece of legislation and I intend to support its final passage.

I commend Senators CHAFEE, WARNER, BAUCUS and MOYNIHAN for their leadership on this issue. As the chairman of the Senate Appropriations Transportation Subcommittee, I look forward to working with them on this measure in the future.

Mr. SIMPSON. Mr. President, I wish to make a few remarks about the highway bill that we are considering today. The highway bill is so very critical for my State of Wyoming. We need to complete action on this legislation prior to October 1st of this year in order that funds can be released for badly-needed projects in all the States.

In the West our highways have become more and more important as we have observed the effects of airline de-

regulation and the reduction in rail service in our rural States. Airline deregulation has led to a dramatic decrease in the number of carriers and flights into Wyoming and we have lost Amtrack service. So the Interstate and State Highways System was and is—and always will be our great lifeline.

Because highways are so very important to us the State of Wyoming has proposed to add three significant road segments to the National Highway System in order to link several other primary and secondary highways. The Wyoming delegation has contacted the Federal Highway Administrator regarding this proposal and we trust he will give it every proper consideration.

When people travel in Wyoming—for the most part they drive—and they usually drive for long distances. We have highways that stretch for miles with no habitation at all in between. It is understandable that we are so put off by a national speed limit. I am so pleased to see that the committee bill repeals the national speed limit. I think that the individual States are quite able to set speed limits that provide for a safe speed given local conditions. The same holds true for seat belt laws and helmet laws. I believe the States are able to determine on their own if they want these laws and how they should be administered without the intrusion of the Federal Government and the threat of Federal sanctions.

I trust we will swiftly pass this legislation and get it onto the President's desk so that we can get about the business of maintaining our present National Highway System and constructing the additional mileage as we require it. Those of us from the Western States of high altitude and low multitude understand the real necessity of passing this important legislation and I would urge my colleagues to support it.

Mr. WARNER. Mr. President, that concludes all matters relating to the pending bill, S. 440.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak for up to 5 minutes.

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

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF DR. HENRY FOSTER

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that at 9 a.m. on Wednesday, June 21, the Senate proceed to executive session to consider the nomination of Henry Foster, to be Surgeon General, and the debate on the nomination be limited to 3 hours equally divided in the usual form, and at 12 noon on Wednesday, June 21, the Senate proceed with a vote