

achieve it, they would get these incentive grants.

The PRESIDING OFFICER. The Senator is reminded that he only has 1 minute.

Mr. ALLEN. Thank you.

The purpose of my amendment is to not have the Federal Government as an officious nanny telling the States how to achieve seatbelt usage rates. Twenty-nine States don't have primary enforcement of seatbelt laws and 21 do. Seven States have 90 percent usage. Fifteen States have over 85 percent. The underlying proposal will actually reward States that have lower seatbelt usage only because they have primary enforcement seatbelt laws, while others that do not have primary enforcement seatbelt laws have a higher use rate.

I don't think the people in the States who have paid into the highway trust fund ought to be dictated to by officious Federal nannies; we should trust the people in the States to make these decisions as opposed to trespassing on those prerogatives.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. PRYOR. Mr. President, I wish to make four points.

First, I voice my opposition to the Allen amendment. NHTSA, in every study I have found, says the best way to reduce fatalities on the highways is for States to enact primary safety belt laws.

Secondly, this bill provides an incentive, not a penalty. That is something we need to remember and understand. This is maybe a departure from past policies, but the bill, as currently written, provides incentives, not penalties.

Third, years ago, the Department of Transportation set an attainment goal of 90 percent. This amendment would move us back to 85 percent. We are moving backward instead of moving toward our goal; we are backing off of the goal.

Fourth, it is not so much about equity or fairness, but it is about saving lives. When you look at the safety groups and listen to the studies and look at the statistics—whatever measure you want to make—this is about saving lives and States having primary safety belt laws.

I thank the chair.

The PRESIDING OFFICER. Under the previous order, all time under rule XII is yielded back.

The question is on agreeing to amendment No. 611 proposed by the Senator from Virginia, Mr. ALLEN.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 14, nays 86, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—14

| | | |
|-----------|----------|-------------|
| Alexander | Ensign | Nelson (FL) |
| Allen | Feingold | Snowe |
| Baucus | Gregg | Sununu |
| Bond | Kyl | Vitter |
| Collins | Lugar | |

NAYS—86

| | | |
|-----------|------------|-------------|
| Akaka | Dole | McCain |
| Allard | Domenici | McConnell |
| Bayh | Dorgan | Mikulski |
| Bennett | Durbin | Murkowski |
| Biden | Enzi | Murray |
| Bingaman | Feinstein | Nelson (NE) |
| Boxer | Frist | Obama |
| Brownback | Graham | Pryor |
| Bunning | Grassley | Reed |
| Burns | Hagel | Reid |
| Burr | Harkin | Roberts |
| Byrd | Hatch | Rockefeller |
| Cantwell | Hutchison | Salazar |
| Carper | Inhofe | Santorum |
| Chafee | Inouye | Sarbanes |
| Chambliss | Isakson | Schumer |
| Clinton | Jeffords | Sessions |
| Coburn | Johnson | Shelby |
| Cochran | Kennedy | Smith |
| Coleman | Kerry | Specter |
| Conrad | Kohl | Stabenow |
| Cornyn | Landrieu | Stevens |
| Corzine | Lautenberg | Talent |
| Craig | Leahy | Thomas |
| Crapo | Levin | Thune |
| Dayton | Lieberman | Voinovich |
| DeMint | Lincoln | Warner |
| DeWine | Lott | Wyden |
| Dodd | Martinez | |

The amendment (No. 611) was rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding we are now going to the Sessions amendment.

Mr. SESSIONS. Mr. President, I understand there is a unanimous consent to have 2 minutes, 1 minute on each side. I prefer to have more. I ask unanimous consent we have 3 minutes on each side.

Mr. INHOFE. I object. Two minutes on each side.

Mr. SESSIONS. Two minutes.

Mr. INHOFE. Mr. President, I offer Senator LAUTENBERG a moment to make a statement. He has been working with us on his amendment. It has been withdrawn.

I certainly yield to Senator LAUTENBERG for no more than 5 minutes.

AMENDMENT NO. 619, AS MODIFIED

Mr. LAUTENBERG. Mr. President, I appreciate the recognition. I will talk about my amendment No. 619 to crack down on our most dangerous, highest risk drunk drivers—repeat-offender, high-blood-alcohol-content drivers, drivers who have had so much to drink they have nearly double the legal limit of alcohol in their system.

I am proud to have the Senator from Ohio, Mr. DeWINE, as a cosponsor of this amendment. I ask unanimous consent Senator CORZINE be added as a cosponsor.

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

Mr. LAUTENBERG. Our amendment updates the current Federal repeat offender law so that it can be based on measures that have been proven to be effective in preventing drunk driving. It requires alcoholism assessments and treatment when necessary. It would require a 1-year license suspension with at least 45 days of no driving. The rest requires the use of an ignition interlock, a device that only lets the car operate when you blow into it and no alcohol is detected.

As for repeat offenders, it keeps current requirements for short-term jail time, closes a loophole for community service. The National Transportation Safety Board states that from 1983 through 1998 at least 137,000 people died in crashes nationwide involving higher risk drunk drivers. The research funded by the alcohol industry itself showed that 58 percent of alcohol-related deaths in 2000 involved drivers with BAC levels of .15 or above. That is outrageous. That person is totally without ability to function properly. This is consistent with government research that shows for drivers 35 and over, those with a .15 BAC or higher, they are 382 times more likely to be involved in a fatal crash than a sober driver.

It is important to note that our amendment does not create any new penalties for States. It merely updates the current program.

Our amendment does not affect a social drinker and is aimed squarely at higher risk drivers who are the core of the drunk-driving problem in this country. The National Transportation Safety Board, the Mothers Against Drunk Driving, and even groups funded by the alcohol industry, all agree we need to do more when it comes to repeat offenders and drivers with blood alcohol content levels twice the legal limit.

I understand the managers of the bill have agreed to accept the amendment as modified. I am grateful. I thank the managers, Senator INHOFE, Senator JEFFORDS, Senator BOND, and Senator BAUCUS, for working with Senator DeWINE and me. The amendment will make a meaningful difference in the number of lives we save each year from the epidemic of drunk driving.

In my early days in the Senate when President Reagan was in office, when Senator Dole was then-Secretary of Transportation, we put in a restriction on age and driving, age on alcohol and driving. We have saved 1,000 young people from dying on the highways every year for more than 20 years.

What a wonderful thing it is for a family not having to mourn the loss of a child, not having to see a policeman at the door in the dark of night.