

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. RES. 239

Supporting efforts to retain the ban on the National Highway Traffic Safety Administration's (NHTSA's) ability to lobby State legislators using Federal tax dollars and urging NHTSA to focus on motorcycle crash prevention and rider education and training.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2011

Mr. SENSENBRENNER (for himself, Mr. RYAN of Wisconsin, Mr. PETRI, Mr. REHBERG, Mr. PAUL, Mr. CALVERT, Mr. WALBERG, Mr. JONES, Mr. RUNYAN, and Mr. FRANK of Massachusetts) submitted the following resolution; which was referred to the Committee on Transportation and Infrastructure

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# RESOLUTION

Supporting efforts to retain the ban on the National Highway Traffic Safety Administration's (NHTSA's) ability to lobby State legislators using Federal tax dollars and urging NHTSA to focus on motorcycle crash prevention and rider education and training.

Whereas since 1995, Congress has protected the authority of the States to determine whether motorcycle riders should wear helmets;

Whereas more than 7,000,000 motorcyclists cherish the personal freedom and individual responsibility of motorcycle riding;

Whereas there has been continuous growth in motorcycle use and ownership, especially among females who account for more than 23 percent of those who have ridden a motorcycle, and more than 12 percent of those who own a motorcycle;

Whereas motorcycles are the most affordable form of private motorized transportation in the United States;

Whereas according to the Governors Highway Safety Association, motorcycle rider fatalities decreased by at least 10 percent in 2009, without the implementation of a Federal mandatory helmet law;

Whereas the Administrator of the National Highway Traffic Safety Administration (NHTSA) has stated that the “core component of our program has not changed; it is to increase helmet use” and “anything that the Congress does that would support the movement of riders into helmets would be efficacious of safety”;

Whereas the Tenth Amendment of the Constitution reads: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”;

Whereas despite the Tenth Amendment, NHTSA has lobbied State legislatures, using Federal tax dollars, to enact mandatory helmet laws;

Whereas in response to NHTSA’s lobbying efforts, section 30105 of title 49, United States Code, states: “No funds appropriated to the Secretary for the National Highway Traffic Safety Administration shall be available for any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific leg-

islative proposal pending before any State or local legislative body.”; and

Whereas the motorcycling community is concerned that Government health care plans will exclude coverage for motorcycle riders injured while not wearing a helmet: Now, therefore, be it

1       *Resolved, That—*

2               (1) the House of Representatives—

3                       (A) supports efforts to retain the ban on  
4                       the National Highway Traffic Safety Adminis-  
5                       tration’s (NHTSA’s) ability to lobby State leg-  
6                       islators using Federal tax dollars;

7                       (B) encourages continued growth in the  
8                       motorcyclist community, and encourages owners  
9                       and riders to be responsible road users;

10                      (C) recognizes the importance of motor-  
11                      cycle crash prevention as the primary source of  
12                      motorcycle safety;

13                      (D) encourages NHTSA to focus on mo-  
14                      torcycle crash prevention and rider education as  
15                      the most significant priorities in motorcycle  
16                      safety;

17                      (E) recognizes that if motorcycle riders are  
18                      not involved in a crash, they will not be injured;  
19                      and

1 (F) encourages NHTSA to provide to the  
2 appropriate committees of Congress a detailed  
3 statement as to why NHTSA believes it is less  
4 important to focus on motorcycle crash preven-  
5 tion, rider education and training, proper li-  
6 censing, and reducing impaired riding than on  
7 mandating universal helmet use; and

8 (2) it is the sense of the House of Representa-  
9 tives that any law that supersedes State laws re-  
10 garding the use of helmets as it applies to denial of  
11 health care coverage and benefits resulting from an  
12 injury sustained while riding a motorcycle should not  
13 be implemented.

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