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Senate

(Legislative day of Monday, June 19, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Rabbi George Holland. He is a guest of Senator FAIRCLOTH.

PRAYER

Rabbi George Holland, Beth Hallell Synagogue, Wilmington, NC, offered the following prayer:

God of Abraham, Isaac, and Jacob, we bless Your holy name this day, You who gives salvation to nations, and strength to governments. We thank You for blessing the United States of America and all of her people. Instill in all of us a spirit of love and forgiveness in order to come together as one nation, working toward freedom for all mankind.

Master of all, we pray that You protect and guard our President, Bill Clinton, that You shield our President and all elected officials from any illness, injury, and influence. We beseech You to send Your wisdom, knowledge, and understanding daily to each of them as they guide our great Nation, and that Your angels guide, guard, and direct each elected individual, and those employed by them.

For it is in the name of the King of all kings that we pray. Amen.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. May I make inquiry of the Chair what the business is before the Senate?

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

The Senate resumed consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Nevada.

AMENDMENT NO. 1427

(Purpose: To provide that the national maximum speed limit shall apply only to commercial motor vehicles)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1427.

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

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 26, strike line 14 and all that follows through page 28, line 9, and insert the following:

SEC. 115. LIMITATION OF NATIONAL MAXIMUM SPEED LIMIT TO CERTAIN COMMERCIAL MOTOR VEHICLES.

(a) IN GENERAL.—Section 154 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 154. National maximum speed limit for certain commercial motor vehicles";

(2) in subsection (a)—

(A) by inserting ", with respect to motor vehicles" before "(1)"; and

(B) in paragraph (4), by striking "motor vehicles using it" and inserting "vehicles driven or drawn by mechanical power manufactured primarily for use on public highways (except any vehicle operated exclusively on a rail or rails) using it";

(3) by striking subsection (b) and inserting the following:

"(b) MOTOR VEHICLE.—In this section, the term 'motor vehicle' has the meaning provided for 'commercial motor vehicle' in section 31301(4) of title 49, United States Code, except that the term does not include any vehicle operated exclusively on a rail or rails.";

(4) in the first sentence of subsection (e), by striking "all vehicles" and inserting "all motor vehicles"; and

(5) by redesignating subsection (i) as subsection (f).

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 154 and inserting the following:

"154. National maximum speed limit for certain commercial motor vehicles.".

(2) Section 153(i)(2) of title 23, United States Code, is amended to read as follows:

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.".

(3) Section 157(d) of title 23, United States Code, is amended by striking "154(f) or".

(4) Section 410(i)(3) of title 23, United States Code, is amended to read as follows:

"(3) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.".

The PRESIDING OFFICER. The Senator is recognized.

Mr. REID. Mr. President, last weekend, I returned to the State of Nevada to speak at two high school graduations in rural Nevada. One of the high schools is about 80 miles from Reno, a place called Yerington in Lyon County. I spoke there at 10 o'clock in the morning and then that evening proceeded to Lovelock, NV, in Pershing County, which is about 90 miles from Reno.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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I traveled to Yerington by automobile and traveled to Lovelock by automobile from Yerington and then back to Reno. It was while I was traveling from Lovelock to Reno that evening that I decided that it was appropriate to offer the amendment which I have just offered.

I was on an interstate traveling at 65 miles an hour, and there were a number of occasions when trucks passed the car in which I was a passenger. There were other occasions during that day, certainly fixed in my mind that night, when we had had difficulty with trucks in many different ways—their loads moving as they proceeded up the roadway, as we tried to pass them on occasion.

Mr. President, as those of us who live in rural America, who spend time in rural America, know, trucks travel at great speeds. It is not infrequent that a truck will pass a car doing the speed limit. We know that it was necessary through Government regulation that there had to be a ban placed on the ability of trucks to determine if there were law enforcement officers in the vicinity with radar to see what their speed was. They all traveled with radar detectors, and that had to be outlawed because trucks drove so fast. There have been a number of programs on national television of how trucks travel, how the drivers are tired, how they have now, with deregulation, a significant number of miles to make, they have loads to pick up, they have loads to deliver.

This amendment is about safety on the highways. That is why, Mr. President, in newspapers all over the country, and certainly illustrated in yesterday's USA Today, the question is asked: ''Why are the Nation's highways getting deadlier?'' There are a lot of answers to questions like that asked in yesterday's USA Today.

One reason is truck traffic. If a passenger vehicle is in an accident with a truck and there are fatalities involved, there is a 98 percent chance that the passenger in the passenger vehicle is going to lose. Trucks win almost all the time. Almost 100 percent of the time trucks win and the passengers in the cars are killed and the trucks can drive off. Those of us who spend time in Congress are forced to read newspapers from here, we listen to the news here and we know the beltway around the Nation's Capital is deadly. Why? It is deadly because of trucks. I dread my family being on the beltway around Washington because of the trucks—they change lanes, they go fast. It is very, very difficult to feel safe when these trucks are barreling down the road trying to meet deadlines and carrying huge loads.

The amendment I have proposed is to provide that the national speed limit apply only to commercial motor vehicles. What we did in committee—I am a member of the Environment and Public Works Committee—is report a bill to the Senate which, in effect, did away with the speed limit. The reasoning was that States are better able to set speed limits, and I agree with that; that with passenger vehicles, a State like Nevada or a State like Colorado is better able to determine what the speed limits should be. Should there be a speed limit around Las Vegas that is one speed and a speed limit around Winnemucca that is another speed? The question is obviously yes. There should be some discretion left to State and local governments to set speed limits, but as relates to commercial vehicles, we should have a national speed limit. There is no question about that. Most of the commercial vehicles, of course, travel in interstate commerce.

Specifically, this amendment takes issue with the large commercial trucks which travel around our Nation's highways. Why is it critical to maintain a speed limit for this small proportion of vehicles? The reason is because one out of every eight fatalities on our roads today is the result of a collision involving a large truck, a commercial vehicle. In fact, tractor-trailer trucks are involved in more fatal crashes per unit of travel than passenger vehicles. In fact, Mr. President, about 60 percent more passenger vehicles are involved at about 2.5 per 100 million miles. Trucks, commercial vehicles that this amendment applies to, are almost 4. That is about a 60 percent difference. But what is even more striking is the fact that, as I have indicated, a little less than 2 percent of the people who are driving in a passenger car, who are involved in an accident with a truck—whether there are fatalities involved—survive, whereas trucks almost always remain.

Getting into an accident with a large truck is a hazard to a smaller vehicle. This means that the lives of us, our spouses, children and friends, are at risk when on the roads with these large commercial vehicles. It is interesting to note that most of the deaths occur during the daytime. I wondered why that is. Well, the reason is that there are more trucks on the road and certainly more passenger cars on the road. These trucks have places to go, they have time limits to meet, they have loads to pick up and loads to deliver. They are there on the road because they have some place to go and they want to be there as quickly as possible. That is how they make money. We need to set a standardized speed limit for these trucks.

As I indicated in my trip to rural Nevada last week, when I realized that we were doing the wrong thing by having a lifting of the speed limit for all vehicles, most of us have had the same experience of sharing the road with large trucks. They are a fact of life on the highways, and we all recognize that. But many of us have also had the unnerving experience of sharing the road with trucks that either tailgate—we have all had that—and you have to go faster because if you do not, you have the feeling that truck is going to run right over you. We have had the other experience of trucks barreling around us. The road seems too small, too narrow for these large tractor trailers and my little car. And these trucks seem to go too fast. There is good reason for us to be frightened by these unsafe practices. Speed not only increases the likelihood of crashing, of an accident, but also the severity of the crashes. Common sense dictates that the trucks are going to win these battles. Science indicates that trucks always win these battles.

Crash severity increases proportionately with speed. An impact of 35 miles an hour is a third more violent than one at 30 miles an hour. Increasing the energy which must be dissipated in a crash increases the likelihood of severe injury or death.

Mr. President, research has shown that vehicles are more likely to be traveling at higher speeds—that is, more than 65 miles an hour in States which have the 65 miles an hour speed limit. Many studies show that if you have a speed limit of 55, trucks will exceed that by at least 5 miles an hour. If you have a speed limit at 65, they will exceed it by at least 5 miles an hour. So if you have an unlimited speed limit or one of 70 or 75, trucks are going to be going faster. The scientific evidence is that these large trucks—and certainly a car also—but the faster these large trucks go, the more difficulty they have avoiding an accident or the more probability they have of causing an accident. Passenger cars stop more quickly than do trucks.

There is clear evidence that the proportions of vehicles traveling at high speeds are substantially lower in areas where the speed limit is 55. As a result, where there are more cars with increased speeds, there are more deaths. Studies show that States which raised speed limits to 65 miles an hour lose an additional 400 lives annually. So it is of utmost importance to preserve a standardized speed limit for these large trucks. As I have indicated, basic science, and specifically basic physics, tells us that the force of large trucks is already much larger than that of other motor vehicles. And increased speed only escalates the force with which a truck could impact another vehicle or pedestrian.

Also, large trucks have longer braking distances, as I have indicated, than cars. So a lower traveling speed for large trucks equalizes the stopping distances of trucks and cars. Some have asked, not very heartfully, Why do we need a different speed for trucks than cars. There are a number of reasons. One really apparent reason is that trucks take a significantly longer distance to brake, to slow down and to stop than do cars. That is one reason to have different speed limits.

In emergency situations, a shorter braking distance is an imperative to avoidance of impact. Speed limits do have an influence on the driving speeds of these trucks, as I have indicated.

Studies have found that the percentage of trucks traveling over 70 miles an hour is at least twice—some studies show at lease six times—larger in States with a 65-mile-an-hour speed limit as in States with 55-mile-an-hour speed limits, the faster the speed limit, the more tendency there is for trucks to drive even faster. The speed of large trucks is truly a national concern. Most of these large commercial vehicles are involved in interstate travel, often passing through numerous States.

When I was a kid—as I am sure many others did—I looked at all the different license plates on the trucks. Some trucks have 10 or 12 license plates on one truck. Almost all of them have at least four. So this is certainly a problem of interstate travel. By maintaining a Federal limit, we will promote uniform truck operations from State to State and there will be more predictable truck behavior for the drivers of passenger vehicles.

From past incidents involving the weaving or tailgating of trucks, we all know how uniformity and predictability means greater peace of mind for all drivers on the highway.

Mr. President, when I came back from Lovelock and indicated to my staff I was going to offer this amendment, my legislative director said, ''I was almost killed by a truck when I was in college.'' He was in a small passenger car with some friends, and there was no alcohol in the car. They were driving safe and sound. In fact, they were run over by a truck. The truck was going too fast and did not see them. Almost everyone has a comparable experience, where a truck has either nearly killed them or, in effect, they or some member of their family has been involved in an accident with a truck. The really tragic part of this is that most people who are in an accident with trucks, fortunately, live to regret it. Passenger vehicles simply do not do well against a truck. There has been a positive trend in recent years in fatalities, generally, and in truck-related fatalities and injuries.

This amendment is to maintain commercial trucking within the maximum speed limit. Why? Because it is essential in this positive trend. When we have programs and regulations with positive results, we should not retreat.

Mr. President, there are all kinds of statistics. We have one out of the New York Times. In this article, written by Jim McNamara, the fatal accident rate remains steady. Data show a rise in accidents and miles for all vehicles. Specifically, this relates to trucks. Accidents involving large trucks in 1993 was 32,000 people injured, and a significant number of others were killed. Trucks were involved in 4,320 fatal crashes in 1993, up by about 300 in 1992. So, specifically 98. Those accidents killed a total of 4,849 people, up from 4,462 the year before. Truck occupants accounted for 610 of these fatalities. So in this one year, the people in the trucks did not do as well as they had in previous years.

There are questions that people ask. If the trucking industry has to abide by a speed limit, why not apply it to everybody? Well, again, let me answer that question, Mr. President. Trucks provide a unique dimension on the roadways. Their size is both intimidating to passenger vehicles and a hindrance to one's view.

Additionally, by going faster than the established speed limit, the chance of accidents increases because of the weight and size of the trucks and the need for slowing, stopping, and even space.

The next question that is commonly asked—there actually appears to be a trend in truck-related fatalities, positive in recent years—Why do we need to keep them under the speed limit?

The whole point, and I just made it a minute ago, Mr. President, is there is a positive trend as the industry has abided by law. Hence, we should not repeal that which has been doing so well.

I do, Mr. President, indicate that there are some instances where the trend is not favorable. In areas that are more heavily populated, truck-related accidents and deaths are increasing.

The next question that is commonly asked: Why do we need the Federal Government to still be involved? The States are aware of the towns, villages and cities, as are most passenger vehicles who travel on roads in the States. Most of the travel in any State is not interstate, it is intrastate. That is not the way it is with truck traffic. The interstate nature of the commercial trucking and bus industry is inherently interstate. If ever there was a matter of interstate commerce, it certainly would be trucks.

Mr. President, again, why should trucks have a lower speed limit than other vehicles? The Insurance Institute for Highway Safety certainly believes that that is the case. Large trucks require much longer breaking distances than cars to stop. Lower speed limits for trucks make heavy vehicle stopping distances closer to those of lighter vehicles. Slower truck speeds also allow automobile drivers to pass trucks more easily. Crashes involving large trucks not only can cause massive traffic tieups in congested areas, but put other road users at great risk.

Over 98 percent of the people killed in two-vehicle crashes involving a passenger vehicle and a large truck are occupants, of course, of the passenger vehicle. The Insurance Institute for Highway Safety studies have shown that lower speed limits for trucks on 65-mile-an-hour highways lower the proportion of travelers faster than 70 miles an hour without increasing variation among vehicle speeds.

In one study, trucks exceeded the speed limit in Ohio about 4 percent of the time; in other studies, for example, in Arizona, 19 percent; in Iowa, 9 percent. So, twice as many trucks exceeded the speed limit in those States. It is important to allow passenger vehicles to have some semblance of comparability with these trucks, to slow down the trucks.

As I have indicated earlier, Mr. President, almost 5,000 people died in large truck crashes in 1993. Large trucks accounted—this is interesting—for 3 percent of the registered vehicles, 7 percent of vehicle miles traveled in the last statistics we had in 1990, but they were involved in over 11 percent of all 1990 crashes.

We start with 3 percent of the vehicles, and you wind up with 7 percent of the miles traveled, but you get up to over 11 percent of the fatal crashes.

We have to be aware that trucks are a problem. The faster trucks go, the bigger the problem. It certainly is not unreasonable, on an interstate highway system, to have a uniform speed for trucks. We do not need it for cars, maybe, passenger cars—and I did not oppose that in the committee.

I think the State of Nevada is an example that States should have the ability to set their own speed limits for passenger cars. I do believe we should have a uniform speed limit for trucks, commercial vehicles.

A risk of a large truck crash, of course, is higher at night than during the day. More crash deaths occur, as I have indicated, between 6 a.m. and 6 p.m. for obvious reasons. There are significantly more passenger cars on the road at that time, and trucks in heavy traffic cause a lot of problems.

It is also interesting, Mr. President, more large truck crash deaths occur on weekdays than on weekends; again, because of the heavy traffic from passenger vehicles.

I repeat, over 98 percent of the people killed in two-vehicle crashes involving a passenger vehicle and a large truck were occupants of the passenger vehicles. Passenger vehicles do not do well when they get in an accident with a truck. Common sense indicates that is the case. And science indicates that is certainly the case. Tractor trailers had a higher fatal crash involvement rate of about 60 percent more than did passenger vehicles.

Mr. President, 24 percent of large truck deaths occur on freeways. The rest are strewn around in other roadways throughout the United States. One of the things we are doing in this highway bill is designating other roadways so they can get Federal funds. There are a lot of important travelways throughout the United States that are not part of our interstate freeway system. That is one of the things this bill will do.

Tractor trailers studied on toll roads—and we have not done any good work on that in almost 10 years—had higher per mile crash rates than passenger vehicles. That is an understatement, Mr. President; 69 percent higher in New Jersey, 23 percent higher in Kansas, and 34 percent higher in Florida.

We know one reason that this provision of the law that we are going to be

debating here this morning—that is, dealing with doing away with the speed limit for passenger vehicles—the reason that came about is that it is a States right issue. It is a States right argument. The States do know best.

No such issue exists with relation to trucks and interstate buses. That is what we are dealing with here. These trucks, these commercial vehicles, Mr. President, should have some national standard by which the speed limits are controlled.

A loaded tractor trailer takes as much as 42 percent farther than a car to stop when they are going 60 miles an hour. That is a significant figure. Rounding it off, it takes almost 50 percent longer for a truck to stop than a car when driving 60 miles an hour. Remember what we are trying to stop—a huge vehicle with those huge tires, and the heavy loads that they have.

We have also learned that this distance is the difference between having an accident and not having an accident. By slowing these trucks down, we are going to have less fatalities.

Driver fatigue—Mr. President, we do not have people who are super men and women driving trucks, no more than we have super men and women driving passenger vehicles. Those driving passenger vehicles get tired driving a car. People also get tired driving a truck. These people do it professionally, but that does not mean they do not get tired. Driver fatigue is something that is available to all. It is nondiscriminatory. That is one of the things we have to take into consideration.

Alcohol and drugs. Truck drivers also abuse alcohol. We have talked about radar detectors.

I repeat, large trucks accounted for 3 percent of registered vehicles, 7 percent of miles traveled, and they were involved in over 11 percent of all fatal crashes. That is an indication that we should do something about these trucks barreling down the road.

Do large trucks pose a hazard on the road? The answer is yes. Almost 5,000 people die each year in crashes involving large trucks. Most of the people who die, again, I indicate, over 98 percent of the people who die in these accidents, are not in the trucks, but are in the cars. They are sharing the road with the trucks. Large trucks, 3 percent of the registrations, 7 percent of the miles traveled, but over 11 percent of the fatal crashes.

I have indicated, Mr. President, we have done some things to try to slow trucks down. Radar detector use now is banned in commercial trucks involved in interstate commerce. The one problem we do have with that is the Federal Government is not enforcing that. It is left up to the States, and the States, most States, frankly, have not done a very good job enforcing that and a large number of truck drivers still use the radar detectors.

As I indicated, for 42 percent of the drivers of large trucks involved in fatal crashes in 1993, police reported one or more errors or other factors related to the driver's behavior associated with the crash. So truck crashes are not caused by passenger vehicles. For 42 percent of them, when investigated by police, it is found there are errors related to the truck driver's behavior associated with the crash. The factors most often noted in multiple vehicle crashes were failure to keep in lane, failure to yield right-of-way, and driving too fast for conditions or exceeding the speed limit. This is what they have found has been the problem with truck drivers.

I think it is important to note that most truck drivers drive safe, sound. But the fact of the matter is they have a tremendous responsibility. They are driving these huge pieces of equipment. I think it is important that we give the other driving public the recognition that trucks should travel no faster than a national speed limit.

So this amendment, I repeat, will simply provide that the national speed limit apply only to commercial motor vehicles. I think this is reasonable. I think it is fair, especially when you indicate, as we have seen in the USA Today, yesterday, ''Why are the Nation's highways getting deadlier?'' There are a lot of reasons they are getting deadlier, but we should not contribute to that by allowing trucks to travel at unrestricted speeds throughout the United States.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to ask the distinguished sponsor of this amendment if he defines trucks? Is it by weight?

Mr. REID. Mr. President, I will give the legal definition out of the United States Code; simply out of the United States Code.

Mr. CHAFEE. So the term ''truck'' is a term of art, a special term?

Mr. REID. It is a specific term. It does not apply to pickups. It applies to commercial vehicles and buses. I appreciate the chairman of the committee bringing that to the attention of the Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD a definition out of the United States Code, what this means.

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

§ 2503. Definitions

For purposes of this title, the term—

(1) ''commercial motor vehicle'' means any self-propelled or towed vehicle used on highways in interstate commerce to transport passengers or property—

(A) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(B) if such vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801–1812), and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act [49 USCS Appx §§ 1801–1812];

Mr. CHAFEE. That will be helpful, because I am sure there will be concerns about whether we are talking about pickups and so forth.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask for the yeas and nays on the Reid amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I rise to offer my support to the amendment presented by Senator REID to maintain the current Federal maximum speed limit requirement for trucks. In fact, I support the current national speed limit along with the distinguished occupant of the President's chair for both cars and trucks. It is a proven fact that the law will save both lives and money. Unfortunately, the bill before us eliminates Federal speed limits altogether, and I recognize that the total removal of that provision, the abolition of speed limits, is not possible in this Congress though I hope that the amendment that the Senator from Nevada is offering will pass. And I hope that the amendment that I will be offering soon with the distinguished Senator from Ohio also will get favorable attention.

But at the moment, in considering just the speed limit for trucks, boy, I could not be more emphatic in my belief that we do our country a service if we maintain speed limits on trucks. As a matter of fact, there is not anybody, I do not care how barren your State is of population, I do not care how wide the roads are, who has not been upset at a point in his time or in his or her day when a big behemoth comes rolling down the highway, either gets behind you, wants you to move over or pulls up alongside you at what could be described at almost a totally death-defying speed. It is so surprising when it happens. It is unpleasant.

I authored a piece of legislation some years ago and have been involved in

safety issues, along with the distinguished chairman of the Environment and Public Works Committee, Senator CHAFEE, and with Senator BAUCUS, the ranking member of the Environment and Public Works Committee, for many years. I was the author on the Senate side of the bill to raise the drinking age to 21. And whether they know it or not, 10,000 families were spared having to sit and grieve and mourn over the loss of a child because they did not experience it as a result of raising the drinking age to 21. Ten thousand kids were spared from dying on the highways in the last 10 years.

Mr. President, I also was a principal author of the legislation to ban radar detectors in trucks. I saw no earthly reason why we would condone the use of a device to thwart the law. What is the difference between saying you can use cop-killer bullets when in fact they ought to be outlawed, banned wherever the possibility occurs that they could be used because we want to protect people? We ought to make sure that trucks do not exceed proper speed limits on the highways over which they travel.

As a matter of fact, I learned just this morning that in Europe and Australia the crash rates for trucks on some of the roads are far in excess of ours. By the way, the countries in Europe are long known for their excellent highways, high-speed driving, lots of fun tearing down the autobahn at 100-plus miles an hour. It used to be fair game until there were too many deaths, too many injuries for people to stand. So they said enough of that, and they imposed speed limits. They still have roads that do not have speed limits on them, and they are now considering putting speed limits on those roads as well and they do limit truck speeds in most of these countries.

So we have an opportunity here to correct a wrong. I think what we ought to do, and we traditionally do as we consider legislation, is offer amendments to correct what each or any of us thinks is wrong. In this case, I think there is a terrible wrong in lifting the speed limit caps off of our roads.

Senator REID is trying to take care of part of that with his amendment today. And I hope that when the Senator from Ohio and I offer our amendment later on, that we will get the support of the Senate. The evidence is clear. Speed kills. When trucks are brought into the equation, speed is even more deadly.

In 1992, over 4,400 men, women, and children were killed in truck crashes. And every year over 100,000 Americans are injured, many very seriously, in accidents involving trucks. That is true although trucks make up only 3 percent of the vehicles on our Nation's roads and highways and 12 percent of the traffic on interstates. They are, however, involved in 38 percent of motorist fatalities in crashes involving a truck or more than one vehicle.

When large trucks weighing more than 10,000 pounds—and that is not a lot, Mr. President—collide with passenger vehicles, it is the people in the passenger vehicles who are killed most often. Only 2 percent of the deaths in such collisions during 1992—I repeat this even though the Senator from Nevada said it earlier because I think it is worth the emphasis—only 2 percent of the deaths in collisions between a truck and another vehicle were the truck occupants. When it came to the outcome, 2 percent of those killed were occupants of the trucks. The other 98 percent were occupants of the passenger vehicles that collided with the trucks.

In 1947, a truck was 35 feet long and it weighed 40,000 pounds. By 1990, the normal truck on our highways was 70 feet long and weighed 80,000 pounds. And during that same period, cars were getting smaller and continued to retain a much more compact size, indeed.

The general driving public does not like to share the roads with the trucks because it scares them. It scares them because trucks move so rapidly and take so much of the room.

The fact is that trucks play a vital role in our economy. They move vast amounts of goods throughout our country, and we do not want to ban trucks from our highways, but we can and should take responsibility to ensure that trucks are operated in the safest manner possible.

Now, Senator Reid's amendment takes responsibility for public safety as it relates to trucks, and by requiring trucks to follow the current speed limit requirements we are decreasing the potential frequency and severity of truck and car accidents.

According to the National Highway Traffic Safety Administration, more commonly known as NHTSA, the chances of death or serious injury doubles for every 10 miles per hour that a vehicle travels over 50. Why? Because speed increases the distance the truck travels before a driver can react in an emergency situation. Speed also increases the force of the energy released in an accident.

Mr. CHAFEE. Mr. President, I wonder if the distinguished Senator from New Jersey would yield for a question.

Mr. LAUTENBERG. I would be glad to.

Mr. CHAFEE. It is my understanding that the Senator has an amendment dealing with the total speed limit.

Mr. LAUTENBERG. Right, for all vehicles.

Mr. CHAFEE. For all vehicles. It would be helpful if the Senator could bring that up now, if possible, or very soon when he has finished his discussion on the Reid amendment. What we could do is set aside the Reid amendment and go to the amendment of the Senator from New Jersey. We are trying to get these stacked up, if we can, and then the objective would be to have several votes after 12:15.

Mr. LAUTENBERG. I would like to cooperate. I do not mind speeding this portion along.

Mr. CHAFEE. Fine.

Mr. LAUTENBERG. I thank the Senator from Rhode Island.

As I was saying, the increased force and energy causes more severe injuries to the drivers and occupants of cars. Now, if professional truck drivers and the trucking industry are going to be allowed to use the public infrastructure, then they should be held to the highest public safety standards.

So I would encourage my colleagues to support the Reid amendment. I hope that it will be successful. I think that its value can be expressed in the number of lives saved, costs reduced, and a more efficient and constructive use of our highway facilities.

I commend the Senator from Nevada for bringing this amendment forward and hope that when the Lautenberg-DeWine amendment comes to the floor, he will be equally enthusiastic about that as I am about his. But we will have to wait and see.

I yield the floor.

Mr. REID. Mr. President, while the Senator from New Jersey is in the Chamber, I wish to extend my appreciation to the Senator for supporting this amendment but also to establish in the RECORD the fact that this Senator, the ranking member of the Transportation Appropriations Subcommittee and a member of the Environment and Public Works Committee, has worked for many years on matters relating to health and safety of the American consumers as it relates to transportation.

I flew across the country yesterday with my wife, and coincidentally reflected on that airplane how much more pleasant the flight was as a result of the fact that we did not have people smoking.

For many, many years while serving in Congress, I inhaled secondhand smoke every time I took an airplane ride. It was as a result of the statements made by stewards and stewardesses on the airplanes, in addition to passengers complaining, that the Senator from New Jersey led the fight—and it was a fight against principally the tobacco industry—to make travel in airplanes certainly more pleasant as a result of not smoking.

I sit next to the Senator from New Jersey on the Environment and Public Works Committee and have for 9 years and have participated in his efforts to make our highways safer. I also am now, for the first time since being in the Senate, a member of the Subcommittee on Transportation Appropriations, where the Senator has worked for many years appropriating money for highways throughout the United States. So I appreciate the support of the Senator from New Jersey on this amendment.

Mr. President, I would like also to state what is in the United States Code defined as a commercial motor vehicle.

It is defined as any vehicle with a gross vehicle weight of 26,001 pounds, or greater than 16 passengers, or containing hazardous materials in certain quantities or any explosives. And we will submit, as I indicated to the chairman of the committee and the manager of this bill, to be made part of the RECORD that definition of the United States Code which I will have momentarily.

I certainly have no objection to having my amendment set aside so that the Senate can go on to other matters to move this very important piece of legislation along.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the amendment offered by my colleague from Nevada to keep the current speed limit in place as it relates to trucks.

According to the California Highway Patrol, the State of California has seen a steady reduction in the number of accidents, injuries, and fatalities relating to accidents involving trucks since 1989.

In 1989, 647 people lost their lives and 17,703 people were injured in California as a result of 12,159 truck-related accidents.

By 1994, 451 people were killed and 13,512 injured in California as a result of 9,225 truck-related accidents.

While these figures are nowhere near where we want to be, they do demonstrate that a commitment to truck safety: increased oversight on driver training and hours of operation; regulations on the size and weight of the vehicles; and federally mandatory speed limits. All have significant impacts on the increased safety on America's highways.

In one day this last April, the CHP pulled over 64 big rigs and issued almost 200 violations for everything from bad brakes to violating air pollution rules. That day, police ordered 34 vehicles off the road as a part of a crackdown on the most heavily used truck routes in Los Angeles County.

Now is not the time to begin to turn away from our commitment to make America's roadways safe and I urge my colleagues to support the amendment offered by the Senator from Nevada.

Mr. REID. Mr. President, unless the manager of the bill has something, I would suggest the absence of a quorum.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I ask unanimous consent that we set aside the Reid amendment and that we vote on that at 12:15.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHAFEE. Furthermore, Mr. President, I wish to alert people that we are striving to have another amendment voted on immediately following the Reid amendment, and that would occur at 12:30. To do that, we would set aside the order for the luncheons, which would start at 12:30, under the order we have in place.

Also, Mr. President, I ask unanimous consent there be no second-degree amendments to the Reid amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHAFEE. So it would be my hope now, Mr. President, that the Senator from New Jersey would be prepared to go forward with his amendment.

Mr. LAUTENBERG. 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. LAUTENBERG. 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. 1428

(Purpose: To require States to post maximum speed limits on public highways in accordance with certain highway designations and descriptions)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. DEWINE, proposes an amendment numbered 1428.

Mr. LAUTENBERG. 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:

Beginning on page 26, strike line 14 and all that follows through page 28, line 9, and insert the following:

SEC. 115. POSTING OF MAXIMUM SPEED LIMITS.

(a) IN GENERAL.—Section 154 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 154. Posting of speed limits";

(2) in subsection (a)—

(A) in the first sentence—

(i) by inserting "failed to post" before "(1)";

(ii) by striking "in excess of" each place it appears and inserting "of not more than"; and

(iii) in paragraph (4), by striking "not"; and

(B) in the second sentence, by striking "established" and inserting "posted";

(3) by striking subsection (e); and

(4) by redesignating subsection (i) as subsection (e).

(b) CERTIFICATION.—The first sentence of section 141(a) of title 23, United States Code, is amended by striking "enforcing" and inserting "posting".

(c) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 154 and inserting the following:

"154. Posting of speed limits.".

(2) Section 157(d) of title 23, United States Code, is amended by striking "154(f) or".

Mr. LAUTENBERG. Mr. President, I yield to the manager of the bill, Senator CHAFEE.

Mr. CHAFEE. Mr. President, I ask unanimous consent that if the Reid amendment is agreed to, it be in order for Senator LAUTENBERG to modify his amendment to make technical conforming corrections to his amendment.

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

Mr. LAUTENBERG. Mr. President, before turning to the specifics of my amendment, I want to explain its relationship to the Reid amendment which is currently under consideration.

The Reid amendment is based on two principles:

First, acknowledging that higher rates of speed are dangerous; second, that the Federal Government has a right to regulate dangerous speeds.

If the Senate adopts the Reid amendment, it accepts those principles. The Reid amendment does not apply those principles universally; its application is restricted to trucks; it does not cover all vehicular traffic.

Mr. President, I would like to argue that the principles that are included in the Reid amendment apply to cars as well as trucks.

When a car travels at excessive speeds, it is as dangerous as a truck. When the Federal Government imposes speed limits on trucks, it can also impose similar limits on cars. The principles in the Reid amendment do not distinguish between types of vehicles; they apply to all such vehicles, trucks particularly in this case—all classes.

That, in essence, is what my amendment does. It applies the Reid principle to cars as well as to trucks.

I would like to provide some background. As my colleagues know, the current Federal speed limit law establishes maximum speed limits at 55 miles per hour or 65 miles per hour depending on the road and the road's location. Current law also requires that States certify a certain level of compliance with posted speed limits. If they do not, States are required to shift part of their construction funding to safety programs. They do not lose it, but they have to use those funds in other areas.

The committee bill abolishes those requirements. It allows States to post any speed limit they want and removes the penalty if States fail to endorse those limits.

Mr. President, I differ with the committee's action, which I think was wrong. I think it will directly contribute to death and injury for thousands of American citizens every year. It will cost our society billions of dollars in lost productivity and increased health care expenditures.

Now, looking at some facts, in 1974, the Federal Government established maximum speed limits. At that time, we were in the middle of an energy crisis and the issue was driven by the need to conserve fuel. We also found an unexpected additional benefit. Maximum speed limits reduced the number of people who died on our Nation's highways.

In fact, as a result of the 1974 law, highway fatalities dropped by almost

9,000, or 16 percent, while the miles traveled decreased by only 2 percent. This was the greatest single-year decrease in highway deaths since World War II.

A total repeal of Federal speed limit requirements will increase the number of Americans killed on our Nation's highways by some 4,750 each year. Mr. President, 4,750 people each year will die on our highways as a result of the increased speed on our roads. Those are not my numbers, Mr. President. Those are the numbers, the projections, of the National Highway Traffic Safety Administration.

I cannot imagine that 4,700 mothers, fathers, sons, daughters, brothers, sisters killed because they were allowed—some might say encouraged—to drive faster in order to save a few minutes, minutes that will cost them their lives.

If we do not want to look at the issue in human terms, how about from the budget perspective which so many want to adopt? One need not be reminded about the stringency of budget requirements around here these days.

It is estimated that the deaths and injuries caused by a total repeal of Federal speed limit restrictions will cost our country $15 billion in additional expense each year: the loss in productivity, taxes not paid and collected, and, of course, increased health care costs.

If that is not a high enough cost for one, add the $15 billion to the $24 billion that we already are losing from accidents caused by speeders. Now the total cost to American taxpayers will grow to $39 billion. That is more than the Federal Government spends on transportation each year—each year. That is on our highways, it is on our rail systems, on our aviation system. We spend more in repair and damage as a result of deaths due to speeding than we spend on our infrastructure each and every year. And the lives lost, all of the money spent, just to save a few minutes of travel time.

The point I want to make is that this is more than an issue of States rights or individual choice. This is an issue that affects everyone. We mourn for the dead, pay for the injured. We have a right and an obligation to do what we can, therefore, to minimize the loss and reduce the cost.

The American people seem to understand that very well. A recent poll conducted by advocates of highway and auto safety asked people if they favored or opposed allowing States to raise speed limits above 65 miles per hour on interstates and freeways. Only 31 percent of the total respondents favored raising current speed limit standards.

That same poll asked if the Federal Government should have a strong role in setting highway and auto safety standards, and over four out of five—close to 83 percent—said, yes, that the Federal Government—the Federal Government—should have a strong role in setting highway and auto safety standards.

Still, the committee adopted the language which strikes the limits even though a majority of the American people do not support this repeal.

Now, I realize that an amendment to restore current law will not prevail in the Senate. As a result, I sought a compromise.

This amendment recognizes the needs and the concerns of the traveling public. It is designed to address the States rights concerns which have been raised by some Members. It also recognizes the Federal Government's legitimate role and responsibility in not only building and maintaining roads but also in ensuring that those roads are safe.

Mr. President, our amendment would maintain the 55- and 65-mile-per-hour speed limits, but it would leave the issue of enforcement directly to the States. By allowing the States to have responsibility for enforcement, this amendment recognizes that States have their limited law enforcement capability and resources. I know that every day State law enforcement officers must determine how best to allocate these resources with the public's safety in mind.

Mr. President, I believe the Federal Government has a responsibility to protect its citizens. It is clear that repealing the Federal maximum speed limit will, most importantly, cost our citizens their lives. I believe this amendment strikes a balance that we can all live with.

That is why this amendment has the endorsement of the International Association of the Chiefs of Police. They say that there is value to maintaining speed limits on our roads. These are professionals, at the top of the ladder, chiefs of police. The law enforcement community does not want to see a repeal of Federal maximum speed limit requirements.

This amendment is also supported by the National Safety Council, the American Public Health Association, the American Trauma Society, Kemper National Insurance Companies, the American College of Emergency Physicians, State Farm Insurance Companies, GEICO, and the Advocates for Highway and Auto Safety. Additionally, we have the American Trucking Association supporting this amendment.

Mr. President, I ask unanimous consent letters of support from these organizations be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN TRUCKING ASSOCIATIONS, INC.,
Alexandria, VA, June 19, 1995.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: We support your efforts to retain the 55 mph speed limit for cars and trucks.

The American Trucking Associations supported 55 mph when it was temporarily imposed in 1974 and later when the permanent 55 mph National Maximum Speed Limit was established in 1975.

We believe the 55 mph speed limit conserves fuel and results in less wear and tear on our equipment. But the most important reason the American Trucking Associations supports the 55 mph national speed limit is that we are convinced it saves lives.

We are concerned that safety would be reduced if a speed differential were created by raising the speed limit just for cars. This could increase the number of cars hitting the rear of slower moving trucks.

Again, we applaud your continuing efforts to keep the speed limit at 55 mph and stand ready to assist you in achieving that goal.

Sincerely,

THOMAS J. DONOHUE,
President and
Chief Executive Officer.

STATE FARM INSURANCE COS.,
Bloomington, IL, June 15, 1995.

Senator FRANK LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express the support of the State Farm Insurance Companies for your amendment to the National Highway System legislation, S. 440, which would restore the National Maximum Speed Limit Law. This is a public health and safety law that should be preserved.

The National Maximum Speed Limit, 23 U.S.C. §154, has saved tens of thousands of lives on our highways since 1974. Based on National Academy of Sciences' estimates, the national speed limit has saved between 40,000 and 85,000 lives in the past two decades.

The committee reported legislation eliminates the national speed limit. We should proceed with caution in this area, particularly on non-interstate primary and secondary roads which have much higher fatality rates than interstate highways. According to the National Highway Traffic Safety Administration (NHTSA), one-third of all fatal crashes are speed-related and one thousand people are killed every month in speed-related crashes. NHTSA projects that elimination of the national speed limit on non-rural interstates and non-interstate roads will increase deaths by 4,750 annually at a cost of $15 billion. It is important that we have some reasonable speed limits.

For these reasons, we support your efforts to retain the National Maximum Speed Limit law and to continue saving lives on our highways.

Sincerely,

HERMAN BRANDAU,
Associate General Counsel.

GEICO,
Washington, DC, June 15, 1995.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: Because excessive speed is a leading cause of motor vehicle deaths and injuries, GEICO advocates maintaining the current law concerning the federal role in setting national speed limits. We believe that giving states the discretion to set any speed limits they want will result in increased deaths and injuries on our nation's highways.

GEICO is the sixth largest private passenger automobile insurance company in the nation, insuring over 3.3 million automobiles. Our assets total $4.8 billion and we have over 8,000 employees. As such we have a vested interest in pointing out the relationship between safety and automobile insurance.

Higher speeds mean more serious injuries and deaths in traffic crashes. From a humanitarian perspective alone, this is solid justification for setting national speed limits.

From a business perspective, more speed related crash injuries and deaths mean higher insurance claim costs. Higher claim costs result in higher premiums for our policyholders.

We would like to see the federal government maintain a role in highway safety. Given the reality of the political situation, and the likelihood that S. 440, the National Highway Systems bill, will generate extensive debate, we commend your efforts to restore the federal role in setting national speed limits. In addition, we urge you and your Senate colleagues to oppose the repeal of Section 153, the safety belt and motorcycle helmet incentive program.

JANICE S. GOLEC,
Director, Business and Government Relations.

ADVOCATES FOR HIGHWAY AND AUTO SAFETY
Washington, DC, June 14, 1995.

Senator FRANK LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express the support of Advocates for Highway and Auto Safety (Advocates) for your amendment to the National Highway System legislation, S. 440, which would restore the National Maximum Speed Limit Law. This is a public health and safety law that should be preserved.

The National Maximum Speed Limit, 23 U.S.C. §154, has saved tens of thousands of lives on our highways since 1974. The National Academy of Sciences estimated that the 55 mile per hour speed limit reduced fatality totals by two to four thousand each year. Even with higher speed limits on rural Interstates the national speed limit has saved between 40,000 and 85,000 lives in the past two decades.

As you know, at higher speeds drivers have less time in which to react properly and their vehicles need more distance in which to come to a stop. Since speed is still a factor in one-third of all highway crash fatalities, Advocates continues to support the need for a reasonable and safe speed limit.

President Eisenhower began the federal presence on highways by initiating the Interstate highway system. That federal involvement will continue and expand with the advent of the National Highway System. The U.S. highway system is no longer a loose collection of state and local roads, but a national network on which the entire country depends. It is folly, both in terms of safety and the national economy, to eliminate the federal role in regulating American highways.

For these reasons we support your efforts to retain the National Maximum Speed Limit law and to continue saving lives on our highways.

Sincerely yours,

JUDITH LEE STONE,
President.

NATIONAL SAFETY COUNCIL,
Washington, DC, July 14, 1995.

Senator FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: The National Safety Council is extremely concerned that S. 440, the National Highway System bill, contains a provision to repeal the national maximum speed limit law. We strongly support your amendment to restore the 55-mph speed limit.

Speed is a factor in a third of all highway crash fatalities. The National Highway Traffic Safety Administration estimates that repealing the national maximum speed limit would result in 4,750 additional lives lost each year in traffic crashes. It would also increase crash-related medical and other costs by billions of dollars a year.

Returning to the days when states could set their own speed limits would reverse years of progress and jeopardize the safety of all travellers. Experience shows that if speed limits are increased to 65 and beyond, large numbers of trucks and cars will jump to even higher speeds of 75, 80 and 85 mph.

In the interest of public safety, the National Safety Council appreciates and supports your efforts to preserve the national maximum speed limit.

Sincerely,

GERALD F. SCANNELL,
President.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, June 14, 1995.

Senator FRANK LAUTENBERG,
Hart Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: The American Public Health Association supports the Lautenberg amendment which requires states to maintain current law on posting speed limits of 55 and 65 M.P.H. depending on the road and road's location, but provides a degree of flexibility in enforcement. APHA recognizes the unique role of the federal government in setting uniform standards for the roads that are largely financed with federal funds.

More importantly from our perspective, APHA also recognizes the responsibility of the federal government to protect its citizens. The following statistical information points out the essential need for this amendment:

One third of all traffic accidents are caused by excess speed.

Repeal of the national speed limit will increase the number of traffic fatalities by 4,750 deaths per year at a cost of $15 billion.

We appreciate your efforts and wish you the best of luck.

Sincerely,

FERNANDO M. TREVIÑO, PHD, MPH,
Executive Director.

AMERICAN TRAUMA SOCIETY,
Upper Marlboro, MD, June 13, 1995.

Senator FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: The American Trauma Society supports your efforts through your Amendment to S. 440 to have posting of maximum speed limits on public highways.

We believe that limiting speed on highways is essential for highway safety.

Sincerely yours,

HARRY TETER, Jr.,
Executive Director.

KEMPER NATIONAL INSURANCE COS.,
Washington, DC, June 14, 1995.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: The Kemper National Insurance Companies supports the amendment you plan to offer on the Senate floor to the National Highway Systems legislation to prevent additional deaths and injuries on our nation's highways caused by excessive speed. Under your approach states would still post the 55 MPH or 65 MPH speed limit depending upon the type of highway but enforcement would be left to the states.

As an automobile insurer, Kemper is a long time proponent of highway safety. We saw deaths and injuries from automobile accidents decline when the speed limit was lowered to 55 MPH in the 1970s. Various studies have shown, including a recent GAO study for the Senate Commerce Committee, that speed is a big influence on risk of injury. The National Highway Traffic Administration, based on the increased deaths and economic costs which resulted from raising the speed limit to 65 MPH on rural interstates, estimates that if the national speed limit is repealed, deaths and injuries will increase by 4,750 deaths a year at a cost of $15 billion. Everyone helps pay the economic costs of these deaths and injuries through increased medical care costs, insurance costs, lost productivity and lost taxes.

A nationwide survey conducted this spring for the Advocates for Highway and Auto Safety found that people do support highway safety laws and 64.2% of Americans oppose states' increasing the speed limit to more than 65 MPH on rural interstates.

Sincerely,

MICHAEL F. DINEEN,
Vice President,
Federal Relations.

AMERICAN COLLEGE OF EMERGENCY PHYSICIANS,
Washington, DC, June 14, 1995.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: I write on behalf of the over 17,700 members of the American College of Emergency Physicians (ACEP). I want to offer ACEP's endorsement of your proposed amendment to S. 440 regarding the national speed limit. I understand that your amendment will reverse the action taken by the Environment & Public Works Committee when they passed S. 440 and included a repeal of the speed limit. In addition, we strongly oppose any efforts to weaken Section 153—that section of ISTEA that deals with safety belt and motorcycle helmet use, and urge your opposition to any weakening language.

ACEP is a national medical specialty society, and is dedicated to improving the quality of emergency medical care through continuing education, research and public awareness. Emergency physicians are specialists trained to provide care to patients, including medical, surgical, and trauma services. Emergency physicians are the only medical specialists required by law to provide care to all who seek it, regardless of ability to pay. This role as ''front-line'' providers has positioned emergency physicians as guardians of quality, accessible health care for all populations. We have seen first hand in our emergency departments those who have been involved in vehicular accidents as a result of speeding, and the non-use of safety and motorcycle helmets.

Under the guise of promoting ''states' rights'' and opposing ''unfunded mandates,'' proponents of eliminating these encouragements to states to adopt safe and same highway laws are risking the lives of thousands of our fellow citizens. These laws save states and taxpayers billions of dollars a year. Specifically, it is estimated that these four safety programs together save over ten thousand lives and $19 billion taxpayer dollars every year. Repealing or weakening them will result in more deaths and injuries on our nation's roadways, and cost all of us billions of dollars annually in increased insurance and medical costs, higher costs for emergency services, lost productivity and tax revenue, and direct costs to the Federal government in terms of those unable to pay for emergency care.

Without continued Federal leadership in these critical areas of highway safety, we will see a return to inconsistent and less effective state laws. Inevitably, there will be greater loss of life and an increased financial

burden on our society. We applaud you, Senator, in your effort to restore a safe national speed limit. If we can be of any assistance to you in this process, please do not hesitate to call upon us.

Sincerely,

RICHARD V. AGHABABIAN,
President.

Mr. LAUTENBERG. Mr. President, I believe this is a reasonable and balanced amendment. All of us lose patience when we sit in traffic or leave late for an appointment and try to make up the time by just stepping on the gas a little bit more. But, if you know any family or in your own family have had a loss on a highway—whether it is from speeding or not the impact is the same at home, but when it is from speeding it is in many cases an avoidable death. And that is a tragedy beyond compare. We lose every year 40,000 people to highway fatalities—40,000 people. Something over 10,000 of those deaths are speed related on our highways.

To repeat, if we continue along the path we are on, the removal of speed limits for trucks and cars, it is estimated that we will have almost 5,000 more deaths a year occurring.

I know my colleagues, who see this as a States rights issue, do not, any more than I do, want to see people killed on our highways, people injured on our highways, or pay the expense for these accidents. But, nevertheless, this action is taken to remove constraints that we have in a lawful society, necessary to maintain our complex way of life. We are, after all—and I do not have to remind my colleagues here because it is part of their daily vocabulary—a nation founded as a nation of laws. That is what we say. We say we have laws so we can accommodate the needs of the majority of our citizens. Over 80 percent of our citizens said they want the Federal Government involved in auto and highway safety issues.

So, Mr. President, I hope in this dash for States rights we continue to focus not just on the States rights but on the individual rights that each of us has to protect our families, our children, our spouses, our brothers and sisters, and say the few minutes time gained is not worth a single life. I hope that is what the conclusion is going to be.

I yield the floor.

Mr. KERRY. Mr. President, I support the amendment offered by my colleague from Nevada, Senator REID, to exempt heavy trucks from the repeal of the national speed limit contained in S. 440. In other words, commercial vehicles will continue to be subject to a national speed limit. Given the havoc that one 18-wheeler or cement truck or other heavy vehicle can cause if its driver loses control or is involved in an accident, I believe this is necessary protection for the motoring public. I will vote for this amendment because it will have a real effect on people's lives. Also, and more importantly, it is enforceable. Should States choose to ignore it, penalties will be imposed.

For these same reasons I am unable to support the amendment by my dear friend from New Jersey, Senator LAUTENBERG, whose courageous leadership on this issue I have long respected and followed. His amendment would maintain a nationwide posted speed limit but give the States complete flexibility in enforcing the limits, without fear of suffering Federal funding penalties for failure to do so, as under current law. To me, this provision would be more shell than substance. Either our country should have a nationwide speed limit on interstates and Federal-aid highways that is enforceable, or we should not. What we definitely should not have is a hortatory nationwide speed limit, without teeth. I fear that will only lead to further disrespect for speed limits in particular and law in general, and we cannot afford such further erosion.

I am well aware of the relationship between speed limits and the number and cost of traffic fatalities and injuries to families and to our economy. I certainly believe speed limits make sense in terms of saving lives and the related health and lost productivity costs. Higher speeds also burn more fuel per mile and thereby create more pollution per passenger mile. But speed limits do not make sense if they are not taken seriously because they are not enforced. That is the practical effect of the Lautenberg amendment and why I am reluctantly compelled to oppose the Senator's amendment.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I wonder if the sponsor of the amendment would mind setting it aside just for a minute or so, while we dispose of some other business here?

Mr. LAUTENBERG. Not at all.

Mr. CHAFEE. Mr. President, I ask unanimous consent we set aside the Lautenberg amendment.

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

AMENDMENT NO. 1429

(Purpose: To express the sense of the Senate regarding the Federal-State funding relationship for transportation)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MACK, proposes an amendment numbered 1429.

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:

SEC. . SENSE OF THE SENATE REGARDING THE FEDERAL-STATE FUNDING RELATIONSHIP FOR TRANSPORTATION.

Findings:

(1) the designation of high priority roads through the National Highway System is required by the Intermodal Surface Transportation Efficiency Act (ISTEA) and will ensure the continuation of funding which would otherwise be withheld from the states.

(2) The Budget Resolution supported the re-evaluation of all federal programs to determine which programs are more appropriately a responsibility of the States.

(3) debate on the appropriate role of the federal government in transportation will occur in the re-authorization of ISTEA.

Therefore, it is the Sense of the Senate that the designation of the NHS does not assume the continuation or the elimination of the current federal-state relationship nor preclude a re-evaluation of the federal-state relationship in transportation.

Mr. CHAFEE. Mr. President, this is an amendment that has been agreed to. It is a sense of the Senate. I improperly described it as an amendment—it is a sense-of-the-Senate resolution. It has been agreed to by both sides. I ask for its approval.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1429) 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.

Mr. CHAFEE. I thank the Chair and thank the distinguished Senator from New Jersey.

I ask we return back to the Lautenberg amendment.

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

AMENDMENT NO. 1428

Mr. LAUTENBERG. Mr. President, we have not sought the yeas and nays on the amendment. I take it, it is proper to register our interest in a rollcall vote? I ask the manager whether it will be in order? The Reid amendment, I understand, is going to be the first amendment voted on. Were the yeas and nays agreed to on that?

Mr. CHAFEE. Yes, the yeas and nays were agreed to on the Reid amendment.

Mr. LAUTENBERG. Mr. President, I ask for the yeas and nays on the Lautenberg amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to speak for a few minutes on the Lautenberg amendment.

Mr. President, all of us in our country want to have safe highways. I do not think there is anybody who even entertains the thought, either in the U.S. Congress or in the States, whoever, of asking for legislation which would have the effect of making our highways less safe. All of us listen to the statistics cited by the Senator from New Jersey about how fatalities on our highways have some relation to speed. There is no doubt about that.

Fatalities on highways are also related to alcohol. There are a lot of factors which determine to some degree where the cause falls for fatalities, highway fatalities in our country.

The amendment of the Senator from New Jersey basically strikes a provision in the bill now before us. The bill now before us says: States, you decide what your speed limits should be. Why? The committee made the determination that States have a pretty good idea what conditions in those States are compared with other States. The committee also believes that State legislatures and Governors care about people in their own States and that they are going to set a speed limit which they think makes sense in their own State, taking into consideration the safety of the people in their State as well as conditions in a particular State, what the traffic is, how much space is in the State, what the population density might be.

The Senator from New Jersey comes from a very populous State. I think the population density in New Jersey is about a thousand people per square mile. The Senator from New Jersey will remember when I invited him to visit my State of Montana, which has a population of about six people per square mile. We were up in an airplane, flying at night. We were flying from Great Falls, MT, over to Custer, MT, in a twin-engine plane. The Senator from New Jersey turned to me for an explanation and said, ''MAX, where are the people? Where are the lights?''

It was because there were not very many people. There were not very many lights down beneath our plane because there are not very many people in our State compared with the State of New Jersey.

I might say, therein lies one of the major differences between our States. And therein lies the reason for this provision in this bill. And therein lies the basic reason why adoption of the amendment by my very good friend, the Senator from New Jersey, would not be wise.

The argument by the proponents of this amendment essentially has two assumptions. One assumption is that there are not States that will also be able to set speed limits. Just because Uncle Sam decides there is not to be a national speed limit does not mean there is not going to be a speed limit in the States. We still have States. We have State legislatures. We have the governing bodies in States which will determine what the speed limit will be.

There is another assumption in the argument made by the proponents of this amendment, that we do not trust the States. We do not trust the States to do what is right for their own people or for people traveling through the State.

I think in this day and age, State legislatures and Governors have a good idea what makes sense in their States. They are going to want to protect their people. They are going to want to have conditions on the highways that are safe.

I trust the States. I trust the State legislatures to do the right thing for their States, which will, therefore, affect not only the people living in the States but also people traveling through their State.

I would guess, also, that if this bill becomes law—and I very much hope that it does without the Lautenberg amendment—that in all probability State legislatures are going to keep the same speed limit that now exists; that is, in some parts of some States it is going to be 55 miles an hour; in some parts of other States it will be 65 miles an hour. They will probably keep the present law. There will be some instances in the more thinly populated States where there are not a lot of people but an awful lot of miles of highway and not a lot of cars that they may make an adjustment. They may increase, as it should be increased, I think, in some parts of our country. But that is still the State's decision. Under this bill it will still be a State decision. I think the time has come in 1995 where it is proper for the U.S. Congress to trust the States and say, We trust you, you know what is right.

For that reason, I urge Members to not vote in favor of the Lautenberg amendment but rather to vote against it.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today in strong support of the Lautenberg-DeWine amendment which my colleague from New Jersey just offered.

Let us talk for a moment about what this amendment will actually do. Our amendment would retain the current speed limit law while at the same time giving the States the flexibility they need in regard to the enforcement of the law, as the Senator from New Jersey has very well explained. This is really a compromise. It is saying to the States that while we believe the roads are traveled by people from all over the country—all you have to do is to stop at any rest area on one of our interstates in Ohio or any other State and you will see how many cars are from out of State. So, clearly there is a national priority, and clearly this is a national policy issue. But while retaining that, we also say that Congress is not going to micromanage this. We are not going to require these reports from the States. We are not going to look over the shoulders of the States. So it seems to me, Mr. President, it is a reasonable compromise.

The bill, as has been pointed out very well, totally repeals 20 years of history, 20 years of experience, and says that basically we have not learned anything in the last 20 years because for 20 years we have seen on our highways lives saved because of what Congress did originally in 1973. As my colleague from New Jersey has pointed out, it was almost, as we would say, an unintended consequence because the law was originally passed because of the energy crisis that this country faced. But, lo and behold, when the statistics came in the next year on all of the fatalities, guess what? We found that thousands of lives had been saved. We found that numerous families had been spared the agony, the horror, and the tragedy of burying a loved one who had been killed on our highways.

Mr. President, I talked about 20 years of experience. The facts are in. The facts are clear. The facts are conclusive. Let us go back to 1973. In 1973, 55,000 people died in this country from car-related fatalities—55,000 people—which affected 55,000 families. In 1974, Congress established the 55-mile-per-hour speed limit. That year the highway fatalities dropped by 16 percent. Fatalities dropped from 55,000 in 1973 to 46,000 in 1974. In my own State of Ohio, according to the Ohio Department of Public Safety, there was a 20-percent decrease in fatalities on Ohio roads over this 12-month period of time. According to the National Academy of Sciences, the national speed limit law saved somewhere between 2,000 and 4,000 lives every year; as many as 80,000 lives since 1974.

Let us move forward in this history to 1987. When the mandatory speed limit was amended in 1987 to allow the 55-mile-per-hour speed limit on some of the rural interstates, the National Highway Traffic Safety Administration found that the fatalities on those highways were then 30 percent more than had been projected based on historical trends.

According to the Insurance Institute for Highway Safety, increasing the speed limit to 65 miles per hour on rural interstates cost an additional 500 lives every year. Mr. President, those highways are probably among the safest roads in America. What is going to happen when we extend that speed limit in rural areas to the more dangerous urban interstates in this country? I think we know what is going to happen. History tells us. Statistics tell us. If we were to see the same increase, a 30-percent increase, on the more dangerous urban interstates that we see on the less traveled, less dangerous rural interstates, the U.S. Department of Transportation estimates that an additional 4,750 people would die every year.

I believe this is clearly not the direction we need to go in the area of highway safety. We need to go in the opposite direction because there obviously are far too many Americans dying on America's highways in this country.

In 1993, in Ohio a total of 1,482 people were killed in car accidents. Over 20 percent of those were speed related. Nationwide, it is estimated that one-third of all highway fatalities are caused because of excess speed.

Mr. President the old adage had it right. Speed does in fact kill. Everyone in this Chamber knows that. Even if

interstate highways were designed for 70-mile-per-hour travel, people are not designed to survive crashes at that speed. As speed increases, driver reaction time, the time that driver has, decreases and the distance the driver needs if he is trying to stop increases. Excessive speed increases the total stopping distance, the driver's reaction time, plus the braking distance. Say a truck is overturned 290 feet ahead of a driver. A driver approaching it at 65 miles per hour would not have time to stop. It would take that driver so long to react and then to brake the car that he or she would still be going 35 miles per hour when they reached that truck. That is a major crash.

Let us say, on the other hand, the driver is approaching the truck at 60 miles per hour. That driver will have a little more time but still not enough to avoid a crash. They would crash into the truck at 22 miles per hour. Mr. President, let us take a third example. A driver approaching at 55 miles per hour would have time to slow down and to stop. When speeds go above 55 miles per hour, every 10-mile-per-hour increase doubles the force of the injury-causing impact.

Let me say that again. It is a phenomenal figure, I think. When speeds go above 55 miles per hour, every 10-mile-per-hour increase doubles the force of the injury-causing impact. This means that at 65 miles per hour a crash is twice as severe as a crash at 55 miles per hour. A crash at 75 miles per hour is four times more severe.

Mr. President, a speed limit of over 55 miles per hour is a known killer. The awareness of this fact is growing. Just yesterday in my office I received a letter from the executive director of the National Save the Kids Campaign urging the adoption of this particular amendment. We need, I think, to face the facts about the speed limit and to do the right thing. It is this part of this bill.

Mr. President, recently in Ohio the director of the Ohio Department of Public Safety, Charles Shipley, testified on this issue. I would like to read briefly what he said. His words are very simple but very powerful. But before I tell you what Chuck Shipley, the director of our department of highway safety, said, I want to tell you who he is. He is not just some bureaucrat. He is not just some political appointee. Chuck Shipley for many years was a highway patrolman. For many years Chuck Shipley had the duty of investigating crashes. Chuck Shipley had the horrible responsibility, as most members of our patrol ultimately do, of talking to a family informing them that their child or their sister or their brother had died. So Chuck Shipley knows what he is talking about. He has been there. He has seen it.

This is what the Ohio Director of Public Safety had to say. As I said, his words are simple and powerful. He was talking about another piece of legislation in Ohio but similar.

This legislation is not in the interest of safety. The few minutes that could be saved will be paid for with injuries and with lives.

Mr. President, that is the exact truth, and we know it. That is why I strongly support this amendment. That is why I also strongly support Senator Reid's amendment.

In the last few years, one of the things that politicians and people in public office have talked about is the phrase ''ideas have consequences.'' I think that is true. Just as ideas have consequences, votes in this Chamber have consequences as well. There are many times when we come to the floor and cast votes where we think we are benefiting society, where we think we can project in years ahead that something we are doing is going to be of help to people. This is one time where we know, based on the past history, based on common sense, what the results are going to be. We do not know how many more people will die, but statistics clearly show us, history clearly shows us that if we change the law as this bill does, more people will die on our highways, and that is the simple truth.

I believe that the compromise my colleague from New Jersey and I have crafted is, in fact, a reasonable compromise. It is a compromise that takes into consideration the concern every Member has for our loved ones, the people we represent, but also balances that with an understanding of where this country is going, as it should, to return more authority and more power to the States. It is a compromise, but it is a compromise that I submit, if we pass it, will save lives. The evidence is abundantly clear.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I commend my colleague from Ohio for his statements. He comes from a background in law, served as a prosecutor, and I think certainly has the qualifications and the knowledge to understand what happens when speed is permitted to accelerate at the will and the whim of a driver.

My friend from Montana and I often joke about my visit to beautiful Montana, and since I have been for a long time an outdoor person and hiker and spend time out there, I am always attracted, enchanted by the magnificence of the mountains of Montana, the beautiful countryside, and of course I know the sparseness of the population there but remind my colleague, since he always remembers the story about my looking for signs of life on the ground and not seeing them when we flew over Montana, that in New Jersey we have more horses per square acre than any State in the country. So we live with the wild western life as well as our heavy population density.

But, Mr. President, I say this to you, that an incinerated vehicle, whether it is in Oklahoma or Montana or Wyoming or North Carolina, is no less a tragedy than it is in New Jersey or any of those States. The families still feel the same pain when they lose a loved one. The community still feels the absence of that citizen when they hear about it, when they know about it.

I recently lost a good friend up in Maine, a good friend of mine, a very close friend of our former majority leader, Senator Mitchell, when he was hit head on by a car passing at a very high speed on a two-lane road. The other vehicle was so incinerated that they had to take it to the capital of the State, Augusta, ME, so that they could get the remnants of the bodies out of the vehicle and decide who these people were, the driver and his passenger.

Mr. President, we have many responsibilities in this place of ours but none—none—exceed that of protecting life and limb of our citizens. We maintain a huge defense apparatus to do that. We invest—insufficiently in my view, but we invest—large numbers in our infrastructure—highways, rail, aviation. We have the best aviation system in all of the world because we have put money in it. And we have said that even if there is a delay at your airport, too bad, because that takes second position to that of safety. So they spread the distance between flights, and they make sure that airplanes, too many airplanes, are not in the same area in the sky at the same time.

Safety. Safety is the primary concern. And so what we are saying here is that we are interested also in safety.

We talk about raising speed limits, but I have seen in my travels out West or in mountain country runouts for trucks. Now, sometimes it is because there is a failure in the driving system, but other times it is because the driver is going too fast, his judgment was faulty, and he has to seek the high-risk opportunity to go up a truck runout. If you look at some of those things, you know that when it is snowing on the ground or the truck is going too fast, there has to be a prayerful moment for the driver.

Mr. President, I have a report here that is developed by NHTSA. Its source is the fatal accident reporting system. It is a segment of the structure. They project a 30-percent increase in fatalities if we remove the speed limits. When we look at some of the States that are represented in the Chamber at this moment, a State like North Carolina can expect the fatalities within a year to increase by 243 persons if we remove the speed limits as proposed—243 people in the State of North Carolina.

Mr. NICKLES. Will the Senator yield?

Mr. LAUTENBERG. Yes.

Mr. NICKLES. Did the Senator say according to NHTSA there would be a 30-percent increase in fatalities?

Mr. LAUTENBERG. A 30-percent increase in the fatalities that occur from excessive speed right now, yes.

Mr. NICKLES. There are 40,000, 41,000 auto fatalities.

Mr. LAUTENBERG. If the Senator will permit me to respond, 40,000 total fatalities. Some of those, many of those, maybe 30,000, 25,000 are not related to speed but related to other things, perhaps ice, snow, faulty vehicles, other conditions, grade crossings, et cetera. But those attributed to excessive speed range about 14,000 persons a year, and NHTSA, the National Highway Traffic Safety Administration, projects a 30-percent increase if speed limits are removed.

In Oklahoma, for instance, it would go from 388 persons up by 110, with the projected increase of 30 percent.

So I think the case can be made, Mr. President—once again, I want it to be clearly understood I do not think there is anyone in this room, any Senator or any individual in this room who is saying abandon restraint regardless of consequence; not at all. I would never suggest it. My colleagues are too intelligent, too caring, and work too hard to protect the public. But in this case, I think it is an error to simply resort to the States rights argument and say that we ought not to have any Federal restrictions.

I submit, as I said before, the Federal Government is involved in aviation. We have the safest system anyplace on the globe. And so it is with many other parts of our society. But in this case, I think it is essential because the Federal Government makes the investment, the Federal Government does direct taxpayer money to our infrastructure development, and we will assume not only the tragedy and loss of life but can expect an increase of $15 billion a year in cost to the community and the Government as a result of these accidents.

And so, Mr. President, once again, I appreciate the support and the help of my colleague from Ohio and hope that we will be successful.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise in opposition to the Lautenberg-DeWine amendment and urge my colleagues to vote no.

I might ask the sponsors of the amendment, Do we have a time set for the vote on Lautenberg?

I understand from the manager of the bill, Senator BAUCUS, we do not have a time set for that vote, but I would just urge my colleagues when we do vote on it to vote no.

I compliment the committee for taking their position. The committee's position was not to raise speed limits. The bill that we have before us does not raise speed limits.

It allows the States to set the speed limits. There is a big difference. Some of my colleagues are assuming that we will have a national speed limit, if this bill passes as it is, of 65 or 70 miles an hour. That is not the case. The case is which jurisdiction of government should properly make this decision? Should it be decided by the Federal Government and mandated by the Federal Government? Or should it be decided by the States? That is what the vote is: Who should set the national speed limit or who should set speed limits. Should it be a national mandate or should we allow States to make the decision?

To have individuals talking about a 30-percent increase in fatalities due to speeding, I think, is hogwash. What makes you think the States are going to increase the speed limit? Maybe they will if it is strongly supported in their States and the State highway administration thinks it is safe. Maybe they will.

Mr. DEWINE. Will the Senator yield?

Mr. NICKLES. Let me make some more comments and then I will. They say, if this bill passes, 4,750 people are going to die every year. I think that comment is absurd. Are we taking a position that we need to have the National Government mandate speed limits because States do not care about safety, States do not care about fatalities? Again, I find that absurd.

I go back to the Constitution on occasion, and I read in the 10th amendment, it says:

> 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.

Why not allow the States and the people to make this decision? Our forefathers, I think, would be shocked to find out that we have national speed limits, we have the Federal Government making all kinds of constraints and saying, ''Well, if you don't comply, you don't get your money.''

The money was raised within the States from a State-generated tax on gasoline primarily to fund the highway program. That money is sent to Washington, DC, and before Washington, DC, will send it back, you have to comply and if you do not comply, you do not get the money. Uncle Sam is putting the strings in, Uncle Sam, big Government, saying, ''States, you must do this, and if you don't, you won't get your money back or we are going to withhold some money.'' We are telling the States, the State legislatures and State Governors, ''Well, we don't care, we're going to mandate, we're going to tell you exactly what you have to do.''

To get to this figure of 4,750 people I think is just ludicrous. Look at the statistics. In 1965, we had over 50,000—about 51,000—fatalities on our highways. In 1974, when we imposed the national speed limit, it had already dropped to 45,000. It declined fairly consistently throughout, and today the number of fatalities is a little over 40,000. There has been a consistent decline for a lot of different reasons: automobiles are built safer, we have airbags, we have more divided highways—there are many different reasons. Some people are driving slower; some people are driving faster.

The real issue we are going to vote on today is not what the national speed limit should be but if the States should make the decision or should we have it mandated by the Federal Government. That is the decision. The committee properly recommended that the States should make the decision.

Mr. President, I am going to have printed in the RECORD an article from the Washington Times by Stephen Chapman entitled ''Clocking the 55–Mile-an-Hour Debate.'' It mentions that opponents are going to say, ''We are concerned about safety.'' I am concerned about safety. I have children who are driving on the highways. I want those highways to be safe. I just happen to think the State of Oklahoma or the State of Virginia is just as concerned about safety as the Federal Government, and maybe those States will want to increase the speed limits, if they think it is safe and prudent to do so, if the highway is built well. Or maybe they will not. Maybe they will be convinced that if we have increased speed limits, we will have an increased number of fatalities.

If they do not want to increase the speed limit, that is their decision, and I can abide by it. For people to say we did have over 50,000 fatalities in the sixties and then 45,000 in 1974 and now it is 40,000, but if we do not have a national speed limit, we assume it is going to jump up to 45,000, makes no sense whatsoever. That is not sustainable. For the national highway transportation people to make that kind of allegation I think is ludicrous. It shows they are against the amendment. Well, this administration is for more Government. They like the idea of the Federal Government making decisions instead of the States making decisions.

Many Governors do not agree, Democrat and Republican Governors. Mr. President, I have numerous letters from Governors, from a variety of States, Democrats and Republicans, who are supportive of allowing the States to make these decisions.

Lawton Chiles, a former Senator and now Governor of the State of Florida, says:

> Recognizing the national maximum speed limit is one of 19 mandates in current Federal law which threatens to sanction States with the loss of transportation funds, the State of Florida would clearly prefer an incentive approach over mandated activities.

What we have right now is a mandated activity.

I have a letter from the Governor of the State of Maine, Angus King, who says:

> As Governor, I am striving to not only gain empowerment for the State of Maine from Federal restrictions but to pass that right to Maine's citizens who truly know best what their needs are. Therefore, I do support your proposed legislation and would recommend its passage.

The proposed legislation is to allow the States to set the speed limits.

Governor Engler of the State of Michigan says:

My administration is a strong proponent of States rights and an active opponent of unfunded Federal mandates.

This is an unfunded mandate.

Continuing with Governor Engler's letter:

Speeding is a factor in one-third of all fatal crashes. I believe, however, that speed variance and violators are the major causes, not the setting of higher speed limits.

In addition, I believe that individual States are better prepared to identify safe speeds for the roadways than the Federal Government.

That is the point I am making. I know the Governors are just as concerned with safety and fatalities on their roadways as this body is, as the Federal Government is.

I have a letter from the State of Montana, Governor Racicot. He talks about Montana being a large, sparsely populated State with hundreds of highway miles through rural areas:

The Governor writes,

The diverse terrain and widely varying population across our State make enforcing a single speed limit based solely on the type of highway difficult, if not impossible. And a speed limit set with large eastern cities in mind often doesn't make sense in Montana.

I think he is correct.

I have additional letters from the Governor from the State of South Carolina, Governor Beasley and the Governor from the State of New Hampshire, Governor Merrill. I will just read this one paragraph from Governor Merrill:

In addition to feeling the States should set their own speed limits, I also believe motorist compliance, or noncompliance, with those speed limits should not be related to the withholding of construction funds awarded to individual States.

I think he is correct.

I have a letter from Fife Symington, Governor of the State of Arizona, a letter of support from the Governor of the State of Tennessee, Governor Sundquist. I will read one comment:

I agree with you that authority regarding speed limits should not be imposed by the Washington bureaucracy, but should be regulated by each State who understands their own transportation needs and who knows what restrictions are best for their citizens.

I have a letter from Governor Keating of my State of Oklahoma. He goes on:

As you know, Federal mandates and penalties for noncompliance are a constant threat to Oklahoma's ability to build, maintain and manage highways effectively.

Also, a letter from Governor Glendening of Maryland:

Sanctions which reduce critically needed transportation funds are counterproductive.

Again, I think he is right. I happen to think the Governor of Maryland, the Governor of Oklahoma, and the Governor of Montana are just as concerned—frankly, I think they are more concerned—than we are with highway safety within their States.

Again, I want to make clear that all of my colleagues are aware of the fact this bill we have before us, reported out of the committee, does not raise the national speed limit to 65, does not raise it to 70, does not raise it to 80. It says, ''States, you make the decision.'' We have a little bit of confidence in the States. We think that is a decision that is more properly reserved to the States than the Federal Government. Very plain, very simple.

The people who are proposing this amendment obviously feel the Federal Government should make the mandate and enforce the mandate and say, ''If you do not comply with posting, we are going to take your money away. If you do not comply with enforcement''—now under the proposal before us, under the Lautenberg proposal, it says you have to post the speed limit at 55, the national speed limit, but you do not really have to comply with it, we are going to leave compliance to the States.

I think that is going to create a contempt for the law. Why not allow the States to set the speeds limits, post the speed limits and enforce the speed limits? To end up saying we are not going to have any sanctions on enforcement but you are going to have to post limits I think is a mistake. Therefore, if the State of Montana wants to have a speed limit of 65 they could legally have zero fine or penalty for exceeding the speed limit. That is going to create contempt for the law.

Maybe it is an effort to compromise, I do not know. I think it is a mistake. I think it is defying States saying, we do not think you can do the job; we are going to do it for you. We are going to tell you that you must do that. I disagree with that. I think the forefathers and the 10th amendment of the Constitution says all rights and powers are reserved to the people and the States. Our forefathers are right.

Why do we come in and micromanage and dictate what they must do to get their money back, money that came from constituents in those States? I might also mention that many States do not get their money back. A lot of States are so-called donor States: They pay a dollar in taxes to Washington, DC, and get 90 cents back. They are shortchanged from the start and then with the 90 cents they get back, they must comply with a lot of Federal regulations. Complying with the Federal speed limit is just one such mandate.

I might also mention that it is a national speed limit law that is not complied with. I am not shocking anybody by saying that. But if you drive 55 on a lot of our highways around the country today, you will find that you are not going with the prevailing speed. Again, I am not one that says the speed limit should be higher; I am one who says the States should make that decision. The States should make that decision, not the Federal Government.

So I urge my colleagues, when we vote a little later, to vote ''no'' on the Lautenberg-DeWine amendment.

Finally, Mr. President, I want to print one additional article in the RECORD. The article is in today's Washington Times entitled, ''Why Do We Still Have to Drive 55?''

I will just read this one paragraph:

For example, after Congress gave the States the authority to raise the speed limit on selected rural interstates to 65 mph in 1987, a study done by the American Automobile Association in 1991 found that the fatalities in these regions fell by 3 percent, to 5 percent overall—thus belying the conventional wisdom that ''speed kills.''

The author states in a further paragraph:

''Fifty-five'' is almost universally despised, fosters contempt for legitimate authority and, paradoxically, probably increases the number of accidents because frustrated drivers tailgate, swerve and pull other maneuvers to get around the car ahead that's dawdling in the fast lane.

I ask unanimous consent the two articles, as well as the letters from several Governors in support of allowing the States to make the decision, be printed in the RECORD.

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

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
Tallahassee, FL, May 19, 1995.

Hon. DON NICKLES,
U.S. Senator,
Washington, DC.

DEAR DON: Thank you for your letter concerning legislation you have introduced to repeal the National Maximum Speed Limit.

Recognizing that the National Maximum Speed Limit is one of the 19 mandates in current federal law which threatens to sanction states with a loss of transportation funds, the State of Florida would clearly prefer an incentive approach over mandated activities. With regard to the mandates referenced above, for the most part Florida would not alter appreciably our practices if these mandates were rescinded. Notably exceptions would be outdoor advertising and control of junk yards. Also, the Intermodal Surface Transportation Efficiency Act (ISTEA) Management System requirements could become very costly and should be made optional, or certainly less rigid.

Concerning the National Maximum Speed Limit mandate, one additional option not altogether unlike your approach, would be to set one national maximum—say 65, 70 or 75 mph. States would then be free to set speed limits as they best determine based on traffic and safety analysis with an upper cap already established. The urban/rural split between speed limits contained in the existing mandate is somewhat arbitrary and inconsistent with accepted methodology for setting speed limits, and should be dropped. Turning to a slightly broader subject, it is my view that the transportation funding needs of donor states like Florida and Oklahoma must inevitably be addressed. One solution worthy of possible consideration is a modified turnback, whereby only a limited federal highway role would be maintained. The federal gas tax would be reduced accordingly and individual states given the option of passing a replacement state gas tax. Form a variety of standpoints, this concept would seem to be attractive.

Again, thank you for your correspondence and I would welcome the opportunity to have our two states work together in the future for our mutual benefit.

With kind regards, I am

Sincerely,

LAWTON CHILES.

STATE OF MAINE,
OFFICE OF THE GOVERNOR,
Augusta, ME, May 3, 1995.

Hon. DON NICKELS,
Oklahoma City, OK.

DEAR SENATOR NICKLES: Please allow me to apologize for the delay in getting back to you. Thank you for your letter concerning the introduction of a bill to repeal the National Maximum Speed Limit.

It has been our experience in the State of Maine since the increase in the maximum limit from 55 MPH to 65 MPH, that compliance is no longer an issue. However, as you noted, the potential loss of highway funds is indeed a penalty which would severely impact our ability to properly fulfill our responsibility to Maine citizens and their transportation needs.

As Governor, I am striving to not only gain empowerment for the State of Maine from Federal restrictions but to pass on that right to Maine's citizens who truly know best what their needs are. Therefore, I do support your proposed legislation and would recommend its passage.

Thank you for giving me an opportunity to respond to your request for Maine's views on this matter.

Sincerely,

ANGUS S. KING, JR.,
Governor.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, April 21, 1995.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: This is in response to your letter requesting my support and views on your bill to repeal the National Maximum Speed Limit. My administration is a strong proponent of states rights and an active opponent of unfunded federal mandates.

Speeding is a factor in one third of all fatal crashes. I believe, however, that speed variance and violators are the major causes, not the setting of higher speed limits.

In addition, I believe that individual states are better prepared to identify safe speeds for their roadways than the federal government. If the National Maximum Speed Limit restrictions are repealed at the federal level, all states must consider increasing fines and banning radar detectors wherever the higher limits are allowed in order to give law enforcement the tools necessary to mitigate any potential increase in deaths and injuries. Persons who violate the higher speed limits do present a substantial public safety hazard.

Given the above reasons, I support your efforts with reservation. Thank you for the opportunity to share my thoughts with you.

Sincerely,

JOHN ENGLER,
Governor.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, MT, May 5, 1995.

Hon. DON NICKLES,
U.S. Senator,
Oklahoma City, OK.

DEAR SENATOR NICKLES: I agree with your position that a nationally-imposed maximum speed limit is inappropriate in many states, including Montana.

Montana, as you know, is a large, sparsely-populated state with hundreds of highway miles through rural areas. In addition, our population is greater in mountainous western Montana than in the prairie areas of the eastern half of the state. But even our most populated areas are rural when compared to cities in the eastern part of our country.

The diverse terrain and widely-varying population across our state make enforcing a single speed limit based solely on the type of highway difficult, if not impossible. And a speed limit set with large eastern cities in mind often doesn't make sense in Montana.

I agree with you, Senator Nickles, that the role of assigning reasonable speed limits should be returned to the states and I support your legislation.

Sincerely,

MARC RACICOT,
Governor.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC, April 3, 1995.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: Thank you for your recent letter regarding your bill which would repeal the National Maximum Speed Limit and return to the states the authority to regulate their own speed limits. I appreciate the opportunity to provide input regarding this legislation.

I believe the federal government should empower states with more responsibility and allow more control to make decisions affecting our futures. Should your legislation become law and we are given the authority of regulation, we will carefully assess our present speed limits to determine if changes may be necessary.

Again, thank you for sharing this information. Please do not hesitate to contact me if I may be of assistance in the future.

Sincerely,

DAVID M. BEASLEY.

STATE OF NEW HAMPSHIRE,
OFFICE OF THE GOVERNOR,
Concord, NH, May 9, 1995.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: I am pleased that you have introduced legislation to repeal the National Maximum Speed Limit. I am in agreement that states should be empowered to set speed limits that are appropriate for their highways, and the responsibility to dictate speed limits should not reside at the federal level.

In addition to feeling that states should set their own speed limits, I also believe motorist compliance, or non-compliance, with those speed limits should not be related to the withholding of construction funds awarded to individual states. Furthermore, states should not be penalized by withholding their construction funds because they have neither a universal seat belt use law, nor a motorcycle helmet use law. This currently exists under the provisions of the Section 153 transfer funds. My feelings on this subject are further stated in the attached letter dated January 27, 1994 to Frederico Pena, Secretary of Transportation.

We in the Granite State are very proud of our highway safety record which is possible only through the united efforts of local, State and county entities. In 1994, the lowest number of people died on New Hampshire highways in over 30 years, and we are striving to improve that record.

In closing, let me say that I support your legislation, as well as any efforts which have the goal of returning to the states the power to actively manage their own affairs.

Very truly yours,

STEPHEN MERRILL,
Governor.

STATE OF ARIZONA,
EXECUTIVE OFFICE,
Phoenix, AZ, April 13, 1995.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: Your legislation repealing the National Maximum Speed Limit will be a step in restoring the ability of states to set and maintain speed and safety standards without having to fear sanctions from Washington, D.C. You have my full support in your endeavors to restore responsibility to state governments.

If you need any help, do not hesitate to contact me.

Sincerely,

FIFE SYMINGTON,
Governor.

STATE OF TENNESSEE,
STATE CAPITOL,
Nashville, TN, April 18, 1995.

Senator DON NICKLES,
Washington, DC.

DEAR DON: Thank you for your letter advising me about the legislation that you have introduced that will repeal the National Maximum Speed Limit and return to the states the authority to regulate their own speed limits.

I strongly support this legislation that will further empower states with the responsibility to make their own decisions with regards to speed limits. The National Maximum Speed Limit is a part of federal law which threatens states with the loss of their badly needed highway funds. I agree with you that authority regarding speed limits should not be imposed by the Washington bureaucracy, but should be regulated by each state who understands their own transportation needs and who knows what restrictions are best for their citizens.

I agree with and support this important legislation. If there is anything else that I can do, please do not hesitate to contact me.

Best regards,

DON SUNDQUIST.

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
Oklahoma City, OK, March 31, 1995.

Hon. DON NICKLES,
U.S. Senator,
Washington, DC.

DEAR SENATOR NICKLES: I applaud your recent introduction of legislation proposing the repeal of the National Maximum Speed Limit. As you know, federal mandates and penalties for non-compliance are a constant threat to Oklahoma's ability to build, maintain and manage highways effectively.

There are twenty federal mandates that affect highway funds which carry significant cash penalties for non-compliance. I appreciate your dedication to removing one of these obstacles from Oklahoma's path, and encourage you to address other mandates that threaten the prosperity of our state.

Thank you for your distinguished leadership and your dedication to Oklahoma's success. The legislation you are presenting will provide our state with the freedom to grow and prosper, and I wholeheartedly support this effort.

I look forward to seeing you at the state convention April 8.

Sincerely,

FRANK KEATING.

STATE OF MARYLAND,
OFFICE OF THE GOVERNOR,
Annapolis, MD, May 24, 1995.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: Thank you for your letter informing me of your introduction of S.476, a bill to repeal the National Maximum Speed Limit. I agree with your opposition to the sanctions that are required by existing law. Instead of punishing states for lack of adequate compliance, it would be better to reward those states which enforce speed limits, perhaps in the form of bonus funding for transportation programs.

Sanctions which reduce critically needed transportation funds are counterproductive. I would not, however, abandon the concept of a national speed limit, which can serve a useful purpose, especially in regard to traffic fatalities. Thank you again for informing me of your proposal.

Sincerely,

PARRIS N. GLENDENING,
Governor.

[From the Washington Times, June 7, 1995]

CLOCKING THE 55 MPH DEBATE

If you want to get a debate going among legal scholars about the meaning of federalism, ask them about the Supreme Court's recent decision limiting the reach of the Constitution's interstate commerce clause. But if you want to get a debate going among ordinary people, ask them abut the 55 mph speed limit, which strikes some Americans the same way the Stamp Act struck Patrick Henry.

The 55 mph speed limit was mandated by the federal government in 1973 at the behest of President Nixon, who proposed it as a way to conserve fuel during the Arab oil embargo. States, which had always set the speed limits on their highways, suddenly found they had lost their authority. They may finally get it back, though, as a result of the GOP takeover of Congress. Republican Sen. Don Nickles of Oklahoma has introduced a bill to repeal the federal maximum. Other bills in Congress would simply deprive Washington of the money to enforce it.

The issue that arouses car buffs is speed. Prior to the federal intrusion, states set the limits anywhere from 65 mph to 80 mph—and Montana and Wyoming had no limit at all. Drivers with lots of pent-up horsepower have yearned for years to be able to open the throttle without fear of the highway patrol.

The passion on the other side of the issue is safety. One unforeseen result of the lower speed limit, defenders say, was a sharp decline in traffic fatalities, and one inevitable consequence of raising it will be more carnage on the roads.

The opponents of 55 are not entirely without arguments. They insist that everyone ignores it because it is ridiculously low and that higher limits would bring the law into closer conformity with the prevailing practice. Besides, they say, plenty of highways are engineered for much higher speeds than those now allowed.

The case amounts to more than just determined rationalization of dangerous behavior, but not a lot more. The defenders of 55 say that when Washington let states raise the limit to 65 on rural interstates in 1987, the death toll on those roads jumped by 20 percent.

This validates the common-sense assumption that if people drive faster, they are more likely to get killed. ''It's possible to design cars and roads for high speed, but we haven't been able to design people for high speed,'' says Chuck Hurley of the Insurance Institute for Highway Safety. If posted maximums rise, I somehow doubt today's speeders will start obeying the law. Higher limits may or may not mean less speeding; they will definitely mean more speed.

But to get caught up in the issue of where to set the speed limit is to miss the more important issue, which is who should set it. There are plenty of good reasons to support 55, but none to insist that it be imposed by Washington.

On this, the left and the right should have no trouble agreeing. Conservatives have always wanted to decentralize power. But last year, during the debate on the crime bill, it was liberals who opposed Congress' grandstanding federalization of crime by noting that public safety and order have always been the province of local and state governments. If you're waiting for liberals to apply that logic to the speed limit issue, though, you'd better make yourself comfortable.

In fact, there is no reason on Earth that states should not be free to decide for themselves whether the danger of more auto accidents outweighs the advantages of faster travel. In a country that has highways as congested as New Jersey's and as empty as New Mexico's, we should be able to recognize that different places and that locals are best situated to make the judgment.

Nothing about the issue warrants federal intervention. If a state ignores pollution, the state next door will suffer harm to public health; if a state slashes welfare, its neighbors may be flooded with paupers. But if Illinois chooses to let people drive 70 mph on its highways, no one in Iowa will be at risk.

Iowans who venture eastward, granted, may be exposed to more adventure than they prefer on the highway. But Iowans who set foot in Chicago endure a greater likelihood of being murdered, which doesn't give them the right to dictate the number of cops on the street.

If states and cities are competent to set the speed limits everywhere from quiet residential streets to busy six-lane boulevards, they can certainly handle highways. Those who support keeping the 55 mph maximum should make their case to state legislatures, which are not indifferent to the lives and limbs of their constituents. Legislators may not always arrive at the right policy, but one of the prerogatives of states in their proper responsibilities is the right to be wrong.

[From the Washington Times, June 20, 1995]

WHY DO WE STILL HAVE TO DRIVE 55?

(By Eric Peters)

Make sense of this if you can: Prior to the great oil price shocks and shortages of the 1970s, speed limits on American highways were typically set at 70–75 mph. Now in those days, cars were great lurching behemoths riding on skinny little bias-belted tires that needed more room than an incoming 747 to come to a stop. No antilock brakes (ABS), no air bags—and suspensions that weren't worth a hoot in a corner.

Jump forward to 1995. All new cars have radial tires, superb brakes (and almost all have ABS), offer excellent road-gripping suspensions, air bags and superior body structures that, when combined with today's state-of-the-art powertrains, make for automobiles that can safely loaf along on a modern interstate highway at 80, 90—even 100 mph—in the hands of any competent driver.

Yet the federal government adamantly clings to the 55 mph ''national speed limit''—citing ''safety'' and the need to conserve fuel.

The second rationalization—energy conservation—is easily dispensed with. Proven reserves are sufficient to supply our needs into the foreseeable future—and new oil fields are being discovered all the time. As proof of this abundance, one need only take note of fuel prices at the pump, which have remained constant or declined over the past 15 years.

If the supply of oil was in danger of drying up, prices would be skyrocketing in anticipation of impending shortages. Yet a gallon of unleaded premium today is typically sold for $1.35–$1.40—which is less than what it cost in 1980.

Besides, thanks to overdrive transmissions, fuel injection and computerized engine management systems, today's cars are much more efficient than their crude forebears of the mid-1970s. Simply driving a late model car—even at 80 mph—is a fuel-saving measure all by itself.

The safety issue is the toughie. Pro-55 people recite the mantra that ''speed kills''—an allusion to their belief that the higher your rate of travel, the less time you will have to react; ergo, you are more likely to have an accident when driving fast—and more likely to die or be seriously injured when you do have one.

There's a certain logic to this, but it fails to take into account the improvements in vehicle design that have occurred over the past two decades. Today's cars are so much better, so much safer (thanks to ''crumple zones,'' side-impact beams in the doors, air bags, etc.) than cars built just 20 years ago, that they're generally less likely to be involved in accidents, and if they are, the occupants are less likely to be seriously hurt.

For example, after Congress gave states the authority to raise the speed limit on selected rural interstates to 65 mph in 1987, a study done by the American Automobile Association in 1991 found that fatalities in these regions fell by 3 percent to 5 percent overall—thus belying the conventional wisdom that ''speed kills.''

There's also a wealth of information derived from crash studies done by the automobile manufacturers themselves, all of which indicates that people in modern cars equipped with air bags and other safety features have much better odds of surviving a serious accident than occupants of older vehicles lacking such features.

I know, for example, that if I slam on the brakes in my ponderous and poorly designed 1976 Pontiac Trans-Am (a state-of-the-art, ''high performance'' car back then) at 100 mph, I'm going to go into a skid and will probably wreck the car. If I tried the same thing in a 1995 Trans-Am—which has high-capacity, 4-wheel disc brakes and anti-lock—I wouldn't even spill my drink.

A front end collision 20 years ago at 40 mph was usually fatal; today, thanks to air bags, you stand a very good chance of walking away. Just ask the National Highway Traffic Safety Administration. Or the insurance companies—which offer more favorable rates to drivers of new cars equipped with air bags, ABS and the other safety gear mentioned earlier.

Humdrum mass-produced cars can outbrake, outhandle—and sometimes out-accelerate—the finest exotic and high performance machinery of 20 or 30 years ago. It's ludicrous to throttle their ability by making them go 55. Most people understand this and recognize that the hated ''double nickel'' is in place mainly for revenue collection—the bounty provided by ticketing motorists for ''speeding'' at 65 or 75 mph on a modern highway.

''Fifty-five'' is almost universally despised, fosters contempt for legitimate authority and, paradoxically, probably increases the number of accidents because frustrated drivers tailgate, swerve and pull other maneuvers to get around the car ahead that's dawdling in the fast lane.

For now, it looks like we'll have to live with this. So while we're waiting for saner—and more equitable—traffic laws, a lighter foot and keener eye will have to suffice to keep us all out of trouble with the law.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio. The Senator from Oklahoma still has the floor.

Mr. DEWINE. I thought he yielded the floor.

Mr. NICKLES. I yield the floor.

Mr. DEWINE. Mr. President, let me try briefly to respond to the very eloquent comments of my colleague from Oklahoma. My friend talks about the fact that our forefathers would be shocked at amendments such as this. I think our forefathers would be shocked by the Interstate Highway System. I think they would be shocked by over 40,000 deaths every single year. So I am not sure that that really has, at least from this Senator's perspective, a great deal of validity.

The Senator talked about the figures that were cited—that I cited, that my colleague from New Jersey cited. Those were not our figures. They were national experts, respected, who gave those figures.

He talked about those arguments and figures being hogwash, ludicrous. Let me assure him that I am not attempting on this floor today to extrapolate or speculate or predict in any way, shape or form the number of auto fatalities that there will be. I think it is important to cite what the experts tell us.

I am not pretending to project that. I would ask my friend from Oklahoma to find me one expert—one expert—in this whole country on highway safety who will say that there is not a direct relationship between speed and number of fatalities. It is an accepted fact.

If we want to talk to the real experts, go to any State in the Union and talk to the law enforcement officers who literally have to scrape people up off the roads. The law enforcement officers who study this, the law enforcement officers who have to deal with it every day, and have to talk to the families, and ask them if, in their opinion, speed does not matter, and speed does not kill. It does.

That is what we are saying. It is all we are saying. But I think it is a lot to say. I agree with my colleague from New Jersey. No one is saying that anybody on this floor does not care about human life and does not care about the welfare of people. I think the evidence is abundantly clear what will happen if, in fact, this bill as written is passed without this amendment.

The evidence is clear. We saw the statistics in 1973 and 1974. We saw what happened when this Congress allowed more flexibility at the State level. We saw what happened. We saw that the States did jump in. We saw the tremendous pressure. We saw the fact that speed limits were increased. Then we saw the auto fatality rate change. We saw it go up from what it should have been and was expected to be.

I do not think it is too big of a step of the imagination—I think, the opposite. The evidence is abundantly clear what will happen. That is, that speed limits will, in fact, be increased.

It is true that this bill does not do it directly. It will do it indirectly. The consequences are very clear.

I want to assure my colleague from Oklahoma I am not saying that we can predict exactly how many people will die, how many families will be crushed. But we can pretty well predict this: more will be—with this bill as it is written—than would be if the amendment were passed. I think that is very, very, significant.

I know there are other Members on the floor who would like to talk. I would end by saying that this is a compromise. I think it is a rational compromise.

It is rational that when you drive on the Interstate Highway System there be uniformity. But it is also rational, as we turn power back to the States, as we are sensitive as we should be to where the enforcement should take place and who has to really do the job every day, that we not try to micromanage things from Washington, and not tell the States how to enforce the law, allow the States the flexibility to do that.

That is what this bill does. It eliminates the reporting. It eliminates the looking over the shoulder. What it does say is that there is still a national standard.

Mr. FAIRCLOTH. Would the Senator from Ohio yield?

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

Mr. FAIRCLOTH. Does the Senator from Ohio not feel that the Ohio Legislature is not competent to set the speed limit for the State of Ohio?

Mr. DEWINE. My colleague would make the point of States rights, and my colleague from Oklahoma made the point about States rights.

For this Senator, it is a balancing test, as I think most things are in Congress, most things are in the Senate. It is a balancing test of how much we send back to the States, how much we need to have some national uniformity.

I think what we are doing in this amendment is, in fact, a balancing test. It is not a question of do we know best here? Do people know best in Columbus or Indianapolis? I think it is simply a balancing test. That would be my response to my friend.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. WARNER. Mr. President, the proponents of two amendments are desirous of getting fixed time agreements and a set time for the vote.

I would like to propose for a discussion a unanimous-consent request that, at the hour of 12:15, there occur a vote on the amendment of the Senator from Nevada [Mr. REID] that would be for a period of 20 minutes, the normal time for a vote; at the conclusion of that, there would be a vote; then, on the Lautenberg amendment, or in relation to, for a period of not to exceed 10 minutes; and that the time remaining between the end of this colloquy discussion now be equally divided between the Senator from New Jersey and the Senator from Oklahoma.

Mr. LAUTENBERG. Will the Senator yield? In the earlier unanimous-consent request we had an agreement that a technical change to the Lautenberg amendment would not affect the structure of the amendment, but would reflect the response to whatever the outcome is on Reid would be acceptable. I would like to have that in there.

Mr. WARNER. Mr. President, I so amend the unanimous-consent request to reflect that.

The PRESIDING OFFICER. Is there objection?

Mr. FAIRCLOTH. How much time do I have to speak to the amendment, since I introduced it in the committee?

Mr. WARNER. Mr. President, that would be up to the discretion of the two individuals that have been assigned the allocation of the time.

The PRESIDING OFFICER. Is there objection to the request?

Mr. WARNER. Mr. President, further to inform the Senate, at the conclusion of the second vote, the Senate would stand in recess for a period of time determined by the leaders which I presume would be until 2:15.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Our colleague from North Carolina did want some time, and in the remaining 20 minutes, if we had 5 minutes to wrap up, I would agree for the Senator from North Carolina to have 15 minutes.

Mr. FAIRCLOTH. I will not need 15 minutes.

Mr. LAUTENBERG. Such time as the Senator desires.

The PRESIDING OFFICER. Without objection, that will occur.

Mr. WARNER. Mr. President, I suggest since we have now adopted the unanimous consent that the Chair restate it for the benefit of all Senators.

The PRESIDING OFFICER. The time between now and 12:15 be equally divided between both sides, and the Senator from North Carolina be recognized for 10 minutes.

Who yields the time to the Senator from North Carolina?

Mr. NICKLES. I yield 5 minutes.

Mr. FAIRCLOTH. Mr. President, hearing the eloquent rebuttal from the Senator from Oklahoma does not leave a lot to say. A few things occur to me.

The one thing we have said repeatedly is that the bill does not set or raise speed limits. It does not lower them, it does not raise them. I would have thought by osmosis, it would have gotten through to most people, if by no other method. However, it does not seem to have done so.

The press is adamantly insisting that we are raising speed limits. We are simply saying what the amendment and bill says, and that is the States will have the right to do it. The States.

As was read by the Senator from Oklahoma, Senator NICKLES read the 10th amendment. It is clear. This is the prerogative of the States. Yet we have taken it. We do everything. The Federal Government can do it all.

The amendment, as proposed, is complete hypocrisy. It says you post a speed limit but you do not enforce it. You post it. You have to put the sign up, but you do not do anything about it. It becomes a joke, a facade. But you have to post it.

If that does not breed contempt for the law, I do not know what would. It is precisely the kind of proposal that you would expect out of Washington. To propose something, put up the sign, but, really, it is kind of wink at it, ride by and give it a little wave.

Senator LAUTENBERG could post 35 miles per hour on the New Jersey turnpike and allow 80, but it would look good. This thing is totally crass politics.

What we are doing here today is simple, common sense. That is to let the States do it. I do not think anybody believes that Rhode Island needs the same speed limit on most of its roads as Arizona or the wide open States. We, in North Carolina, do not need the speed limit that they need. We cannot drive as fast as a person probably could in Arizona or Nevada or some of the other States.

This is the worst example of Washington knows best, or the worst example of our attempt to compromise.

I said one time that if somebody put in a bill to burn the Capitol down we would not tell him he was an idiot, we would compromise with him and burn a third each year. That is about what this amounts to. We are simply saying that we do not want to really face up to giving the States the authority, and yet we do not want to force them to enforce a law.

Senator NICKLES read a number of letters from Governors and heads of departments of transportation all around the country. I have several. One I have is from North Carolina. It says, just one brief paragraph of it I will read. This is from Sam Hunt, the head of the department of transportation from North Carolina.

> States are capable of establishing speed limits within their individual borders on the basis of sound engineering practice and the specific circumstances involved. Federal involvement is not required. Every State is different, and a ''one size fits all'' approach is totally inadequate and inappropriate.

Mr. President, I do not know much more you can say on this except to reiterate repeatedly that this is not a bill to raise the speed limit. This is a bill to give the States the authority to set whatever speed limit they see fit.

Mr. NICKLES. Mr. President, I yield the Senator an additional 2 minutes.

Mr. FAIRCLOTH. We had an election in November in which the people stated clearly that we wanted less rules, less regulations and less authority from Washington. They wanted the right to set their own rules and regulations where it was reasonable and practical.

In this instance it is totally reasonable and totally practical that the States should be setting the speed limits. If a State legislature is not capable of setting the speed limit within the State then what is it capable of doing?

I submit to you, Mr. President, this is another intrusion of the Federal Government into a State right, a law the States should be handling and passing at whatever speed they want it to be. And it is not an attempt to increase the national speed limit. The States have the right to set their own.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Senator FEINSTEIN be included as a cosponsor of this amendment.

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

Mr. LAUTENBERG. Mr. President, I listened with interest to the debate coming from the opponents of my amendment, and, frankly, I am perplexed. I am sorry my good friend from North Carolina left the room because he and I have engaged in friendly differences before and I wanted to have a chance for this friend to respond. But he is out of the room.

I will, nevertheless, respond to a couple of comments that both he and our distinguished friend from Oklahoma made. Here we are, robbing the States of their opportunity to make decisions, and, by eliminating sanctions, by eliminating reporting requirements, by getting the so-called burden off the States so they do not have to respond to Uncle Sam.

They said, ''No, that is not good. Are we not responsible citizens who run our States? Governors and legislators and all that?''

Of course. I agree to that. I think they are intelligent people. And I said earlier I do not think one part of this debate wants more people dead on the highways than the other. I just think it is a terrible error to remove the speed limit rules we presently have. But it is up to the States. It is up to the States to enforce it. So, on one hand, the States are intelligent enough to do it if we just let it go. On the other hand, they are not intelligent enough to do it if we say, ''Here are the rules. You decide how the rules are played.''

Mr. President, I wrote the law on the Senate side to raise the drinking age to 21. We had a strong debate and it happened. It is said, by the National Highway Traffic Safety Administration, that 14,000 kids are alive today who would not have been.

I point out to my friend from Oklahoma, there is not one demand by the Federal Government that they do anything. We are relying on the intelligence of State governments to administer these programs. Mr. President, 14,000 families spared of mourning, spared of the pain and anguish of the loss of a loved one.

We wrote the law and the law stood and we did not have to tear down the Federal Government or burn the building to make it happen.

I hear these arguments all the time about how foul the Federal Government is, and I do not understand it. We built the greatest Nation on Earth. People will kill to get here—will die to get here. But we criticize this place as if it is some foreign body. This is the Government of the people, by the people, and for the people. We ought not to forget that.

We constantly make derogatory remarks about what it is, what bad things we do here. ''We pick the pockets of our citizens and throw the money away.'' What nonsense.

This is about saving lives and it is yes or no. That is the way it is. We have an amendment here that tries to strike a compromise. It says to the States we understand you are intelligent people, caring people. We all wept when Oklahoma City saw that terrible explosion. We all shared the grief and the sympathy for the people there. This is a caring body. No matter how our opponents try to paint it, we give a darn about what happens out there. This is not just Big Brother. We are trying to do the right thing. If we disagree we disagree, but it is not hypocrisy and it is not crass politics. It is not any of those things. It is human beings.

When I think about people out there I think of my four children and my two grandchildren and I say God willing, I want to protect them any time I can. So it is with other people's children and grandchildren as well.

Mr. President, we have had a lot of talk about this. Frankly, I hope sense will prevail, we will be able to put up signs that say: Remember, these roads were built for safety at 65 and 55 miles an hour. If it has a chilling effect on the driver's foot on the accelerator pedal it is OK with me. All of us know that few people in this world are exactly tuned in to the speed limit. Mr. President, 65 in most States, whatever the dialect, whatever the intonation, says 75. And when it says 55, it really says 65. So we are kidding ourselves.

We keep hearing from our opponents that we want no speed limits. But they are objecting to the fact that we are saying they ought not remove the speed limit. Removal is OK, as far as the opponents are concerned. But I do not understand what they mean when they say: But that does not mean we simply raise the speed limits willy-nilly. Of course they can. And that is what we would like not to see happen.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma controls 3 minutes and 44 seconds.

Mr. NICKLES. Mr. President, we have heard a lot of discussion, primarily on the part of the proponents of the Lautenberg-DeWine amendment, talking about saving lives. I can sincerely say I want to save as many lives as anybody else in this body. I think the States are just as interested, if not more interested, in saving lives than we are in the Federal Government. I know if a person is the Governor of Missouri or the Governor of Montana or Governor of New Jersey, he wants to save lives in his State, probably, maybe more than we do as a collective body. It is very close. It is personal. Those are their constituents.

To be perfectly clear, we are saying the States should make that decision, not the Federal Government. We should not have this Federal mandate.

Some people say if you increase the speed limits—we are not increasing the speed limits. We allow the States to make that decision. If the State of Virginia decides they want to have a uniform rate they can have a uniform rate. If the State of Virginia wants to have it at 55 they can have it at 55. If they want to have it at 40 they can have it at 40. They should have that right. It is a question of who makes that decision, the Federal Government or the State government.

Our forefathers, in the 10th amendment of the Constitution, clearly said all other rights and powers are reserved to the States and to the people. Yet we have this national speed limit. What is right for New Jersey may not be what is right for Oklahoma or Montana or Nevada.

I might mention, too, if you want to be ludicrous—people say we can save lives. You can pass a speed limit and say the national speed limit is going to be 20 miles an hour and you might be able to save 30,000 lives. We have 40,000 fatalities per year. If you set the national speed limit at 15 miles an hour you might not have any fatalities. Maybe some people would not comply with the law. They are not complying with this law.

There is a lot of contempt right now for the law because people are not complying with it. Under the Lautenberg proposal you would have even more contempt because we are telling the States you must post what we think is in your best interests. We are telling you, you must post 55 miles per hour in your areas except for rural interstates and then you can post 65 mph limits. I was the sponsor of the amendment that allowed the States to go to 65. I do not hear anybody saying we should repeal that.

What about lives? If you want to make a real change, come up with an amendment that allows us to set the national speed limit at 30 miles an hour or 20 miles an hour and we will really save lives. At what expense? What loss of freedom? Again, who should be making this decision? That is what the real issue is about, which group will make that decision? Are we going to allow the States to have the decision or are we going to mandate, as under the present law, that the Federal Government makes the decision?

Under the Lautenberg amendment we tell the States you must post national speed limits and we do not care whether you comply with them or not, or enforce them or not. That is going to breed contempt for the law. That makes very little sense. I do not like the States enforcing a national speed limit, but I do not like the Federal Government setting a national speed limit. Those are two things the Federal Government really should not do, and we are going to confuse the situation even further. You must impose limits but not enforce them, so you are going to have contempt for the law. That is the Lautenberg amendment. That makes no sense.

The committee came out with the right approach. The committee said, ''Let us let the States make the decisions. We have confidence in States.'' Many of us have worked in State government. We have many Members of this body who are former Governors who have every bit as much concern over the health and safety of their constituents as we do on the Federal level. Let us allow them to make the decision, as I believe our forefathers would have wanted us to. This should not be mandated by the Federal Government.

So I hope we will give the States that opportunity to set the limits.

I yield the floor.

Mr. LAUTENBERG. Mr. President, just to be sure, I ask how much time we have left?

The PRESIDING OFFICER. The Senator has 2 minutes and 30 seconds.

Mr. LAUTENBERG. I will take 30 seconds and yield 1 minute to my colleague and 1 minute to the Senator from Ohio. I would say, what I have just heard on this floor astounds me. When the Senator from Oklahoma—and I know he means no malice—suggests if we reduce the speed limit enough we could save more lives, in turn what he is saying is that it is not worth keeping it where it is to save the lives that we can save. I wonder whether that message could be delivered in Oklahoma from a platform where a youngster has died on the highway, and say, ''Listen, in the interests of speed and expediency, we had to do it this way.''

I yield the floor. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, since 1987, when States were allowed to raise the speed limit on rural interstates to 65 miles per hour, Virginia has had a differential speed limit. On rural interstates in Virginia the speed limit was raised to 65 miles per hour for automobiles but at the same time the 55 mile per hour speed limit was retained for commercial vehicles. Based on these 6 years of experience, Virginia determined in the latest session of the general assembly that it was a matter of safety to have vehicles traveling at different speeds. In other words, it did not work.

As a consequence, we went to the consistent speed for both vehicles, and therefore I will have to oppose the Reid amendment. I am, however, in favor of the Lautenberg amendment to maintain a national maximum speed limit for the following reasons:

One-third of all fatal crashes are speed-related.

1,000 people are killed every month in speed-related crashes.

The current level of traffic fatalities at 40,000 people each year is intolerably high. The economic cost of these fatalities does not include the many thousands of people who have suffered serious injury from speed-related crashes.

The economic cost is $24 billion every year, or $44,000 per minute—one-third of which is paid for by tax dollars.

The health care costs of speed-related crashes is $2 billion per year.

Mr. President, some 70 percent of speed-related crashes involve a single vehicle.

Crash severity increases based on the speed at impact, the chances of death or serious injury double for every 10 mph over 50 mph a vehicle travels.

Rural roads account for 40 percent of all vehicle miles traveled but 60 percent of all speed-related fatal crashes.

Police report that in more than one-third of all fatal crashes, the driver exhibited unsafe practices such as speeding, following too closely, improper lane use, unsafe passing, and reckless operations.

IMPACT OF REPEALING THE NATIONAL MAXIMUM SPEED LIMIT

Repealing the NMSL would allow higher limits on noninterstate 55 mph roads. These roads already have a severe speed problem—43 percent of the Nation's speed-related fatalities are on these roads.

Noninterstate roads are not built to interstate standards.

If fatalities on 55 mph noninterstates increased by 30 percent—as occurred on rural interstates where speed limits increased to 65 mph—that would mean 4,750 additional deaths and $15 billion annually.

The National Academy of Sciences estimates that since 1974 compliance with the speed limit has saved between 2,000 and 4,000 lives each year.

Mr. NICKLES. Will the Senator yield to me just to respond?

Mr. LAUTENBERG. I have no time. I have a minute.

Mr. CHAFEE. I yield 20 seconds to the Senator from Oklahoma.

Mr. NICKLES. I thank my friend.

Mr. President, let me state that I have been in Oklahoma and I have been asked repeatedly at community meetings, Should the State set the speed limits, or should the Federal Government set the speed limits? It has been strongly supported that the States should make that decision, not the Federal Government.

Mr. CHAFEE. Mr. President, I support the Lautenberg amendment. And people say this is a States rights issue. I would remind everyone that Medicaid, a Federal program, pays for probably the great majority of the injuries that arise from excessive speed and terrible accidents.

So I hope that we will go forward with the speed limit as suggested by the Senator from New Jersey.

Mr. DEWINE. Mr. President, let me talk for a moment about the enforcement issue. Enforcement has always been local enforcement and State enforcement.

What this amendment is going to do is say, while we have a national standard, Congress is no longer—Washington is no longer—micromanaging the enforcement of it. This has always been local, and it will remain local. Predictions: I have only one prediction that I will make. While we cannot guess how many lives will be lost, the prediction is this: If this amendment does not pass, and if the bill goes into effect as written, the speed limits will go up and more people will die. That is what the facts are. That is what the evidence shows us. That is what history shows us. That is the bottom line of this bill.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—51

Akaka	Feingold	Lautenberg
Biden	Feinstein	Leahy
Bingaman	Ford	Levin
Bond	Glenn	Lieberman
Boxer	Gorton	Lugar
Bradley	Harkin	Mikulski
Breaux	Hatfield	Moseley-Braun
Bryan	Heflin	Moynihan
Bumpers	Hollings	Murray
Byrd	Inouye	Nunn
Chafee	Jeffords	Pell
Conrad	Johnston	Pryor
Daschle	Kassebaum	Reid
DeWine	Kennedy	Rockefeller
Dodd	Kerrey	Sarbanes
Dorgan	Kerry	Simon
Exon	Kohl	Wellstone

NAYS—49

Abraham	Graham	Packwood
Ashcroft	Gramm	Pressler
Baucus	Grams	Robb
Bennett	Grassley	Roth
Brown	Gregg	Santorum
Burns	Hatch	Shelby
Campbell	Helms	Simpson
Coats	Hutchison	Smith
Cochran	Inhofe	Snowe
Cohen	Kempthorne	Specter
Coverdell	Kyl	Stevens
Craig	Lott	Thomas
D'Amato	Mack	Thompson
Dole	McCain	Thurmond
Domenici	McConnell	Warner
Faircloth	Murkowski	
Frist	Nickles	

So the amendment (No. 1427) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, it is my understanding that the Senate will now proceed to a rollcall vote on the Lautenberg amendment. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

AMENDMENT NO. 1428, AS MODIFIED

Mr. LAUTENBERG. Mr. President, in the unanimous-consent agreement that we had before, it said that I would have an opportunity to send a technical modification of the amendment to the desk, and I do that, and then the vote will take place.

Mr. NICKLES. Mr. President, we have no objection to the modification, and I move to table the Lautenberg amendment, as modified.

The PRESIDING OFFICER. Pursuant to the previous order, the amendment will be so modified.

The amendment, as modified, is as follows:

On page 28, between lines 9 and 10, insert the following:

SEC. 1 . POSTING OF MAXIMUM SPEED LIMITS.

(a) IN GENERAL.—Section 154 of title 23, United States Code (as amended by section 115), is further amended—

(1) by striking the section heading and inserting the following:

"§ 154. National maximum speed limit";

(2) in subsection (b)—

(A) by striking "(b) MOTOR VEHICLE.—In this section, the" and inserting the following:

"(b) DEFINITIONS.—In this section:

"(1) MOTOR VEHICLE.—The"; and

(B) by adding at the end the following:

"(2) PASSENGER VEHICLE.—The term 'passenger vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways (except any vehicle operated exclusively on a rail or rails) that is not a motor vehicle."; and

(3) by adding at the end the following:

"(g) POSTING OF SPEED LIMITS FOR PASSENGER VEHICLES.—The Secretary shall not approve any project under section 106 in any State that has failed to post a speed limit for passenger vehicles in conformance with the speed limits required for approval of a project under subsection (a), except that a State may post a lower speed limit for the vehicles.".

(b) CERTIFICATION.—The first sentence of section 141(a) of title 23, United States Code, is amended by inserting before the period at the end the following: "with respect to motor vehicles, and posting all speed limits on public highways in accordance with section 154(g) with respect to passenger vehicles".

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 154 and inserting the following:

"154. National maximum speed limit.".

Mr. NICKLES. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table has been made. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 1428, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—65

Abraham	Feingold	Mack
Akaka	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Graham	Murkowski
Bennett	Gramm	Nickles
Bingaman	Grams	Nunn
Bond	Grassley	Packwood
Breaux	Gregg	Pressler
Brown	Hatch	Reid
Bryan	Helms	Robb
Burns	Hutchison	Roth
Campbell	Inhofe	Santorum
Coats	Inouye	Shelby
Cochran	Jeffords	Simpson
Cohen	Johnston	Smith
Conrad	Kassebaum	Snowe
Coverdell	Kempthorne	Specter
Craig	Kerry	Stevens
D'Amato	Kyl	Thomas
Dole	Leahy	Thompson
Domenici	Lott	Thurmond
Faircloth	Lugar	

NAYS—35

Biden	Ford	Mikulski
Boxer	Glenn	Moseley-Braun
Bradley	Harkin	Moynihan
Bumpers	Hatfield	Murray
Byrd	Heflin	Pell
Chafee	Hollings	Pryor
Daschle	Kennedy	Rockefeller
DeWine	Kerrey	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Warner
Exon	Levin	Wellstone
Feinstein	Lieberman	

So the motion to lay on the table the amendment (No. 1428), as modified, was agreed to.

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

Mr. ABRAHAM. Mr. President, I move to lay it on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15.

Thereupon, at 1:01 p.m., the Senate recessed until 2:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KYL).

The PRESIDING OFFICER. The Senator from Massachusetts.

THE FOSTER NOMINATION

Mr. KENNEDY. Mr. President, yesterday, the majority leader met with Dr. Henry Foster, President Clinton's nominee for Surgeon General. After that meeting, he proposed a cloture vote on the nomination to take place at some point in the near future.

While I am pleased about this progress, the proposed cloture vote is