

In an effort to heighten the level of international attention—attention to those brave souls' efforts—and in an effort to continue to create greater common cause among the groups of people on the island, the Cuban dissidents are organizing this assembly to promote civil society in Cuba. Over 300 civil society groups are expected to be represented at the meeting. The goal of the assembly is to discuss how they will play a role in the transition after the end of the Castro regime. This end is approaching. The clock is ticking. We must be ready, both on the island and around the world, to ensure that Cubans have the opportunity to freely and fairly choose their successor government.

Senator MARTINEZ, my colleague from Florida, and I, along with 20 colleagues, are encouraging the Senate to support this resolution, and in supporting this resolution, therefore, to support this assembly, its participants, and all civil society on the island, and to do it in a bipartisan fashion.

This resolution is an effort to bring international attention to the assembly and to all members of civil society on the island of Cuba. These are brave individuals who deserve our support every day, not only on these memorable and momentous occasions but every day in respect for what they have endured as their liberty has been taken away from them.

We want that liberty to return. Our thoughts and prayers will be with all these individuals.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration H.R. 3, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Pending:

Inhofe amendment No. 605, to provide a complete substitute.

Allen/Ensign amendment No. 611 (to amendment No. 605), to modify the eligibility requirements for States to receive a grant under section 405 of title 49, United States Code.

Sessions Modified amendment No. 646 (to amendment No. 605), to reduce funding for certain programs.

Reid (for Lautenberg) amendment No. 619 (to amendment No. 605), to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol under aggravated circumstances.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am very happy we finally got to this point.

We are operating under unanimous consent at this time.

We will have for the next 45 minutes a discussion and then a vote on the Allen amendment at 12 o'clock. We will have this 45-minute period of time to talk about the highway bill, and hopefully we can confine arguments to that, with the exception of 5 minutes for Senator LANDRIEU right before the vote takes place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 611

Mr. ALLEN. Mr. President, I thank my colleague from Oklahoma. I am glad we are going to be voting on my amendment around noon. I had thought it was going to be 11:30, but it is now noon.

Let me share with my colleagues the rationale behind amendment No. 611 to the underlying bill.

I first thank my colleague, Senator ENSIGN of Nevada, for cosponsoring this amendment. The purpose of my amendment is to make sure that safety belt incentive grants are awarded based on a State's seatbelt use rate, not based upon a prescriptive mandate from the Federal Government that would make the States enact a primary seatbelt law to receive their Federal funds.

The way this bill came out of committee, in effect, for the States to get their money, they have to enact a primary enforcement seatbelt law. Seatbelt laws generally, whether you have a law such as 29 States do, which is secondary enforcement, or in some cases not even secondary enforcement laws, or some States have primary enforcement laws, this is an issue under the purview of the people in the States.

This is not an issue for the Federal Government to get involved. This is not an issue of interstate commerce. It is not in the Constitution. There is no way Thomas Jefferson and James Madison would ever envision the Federal Government worrying about such matters. I know they did not have automobiles in those days, but they were not coming up with worries about what kind of saddles they had or making sure folks on horseback laced up their saddles correctly with a buck and strap or whether there were seatbelts on buggies.

The underlying bill clearly tramples on the jurisdiction that has long been held by the people in the States. I don't believe "nanny" mandates such as this initiative should come from Government. But if they must, the government should be that of the State legislature and not the Congress. State legislators provide a much closer representation of the views and beliefs of their respective constituencies in our country.

I am a firm believer that the laws of a particular State reflect the philosophy and principles under which the citizens of that State should be gov-

erned. The people in the States do not need fancy Federales telling them what to do. Moreover, I doubt a single Senator ran for this office of Senator promising to enact primary seatbelt laws, trampling on the laws of their States.

This chart shows a minority of States, 21 States, the States in red, have primary safety belt laws; 29 States do not, the States in white on the chart, and New Hampshire. I surmise this issue has been considered by every one of the State legislatures in all our 50 States. In 29 of those States, primary enforcement of seatbelt laws was rejected.

Why were they rejected? Each State may have their own reasons. Some may believe it is more important for law enforcement to worry about drunk drivers or impaired drivers rather than craning their necks trying to figure out what is in someone's lap as they are driving otherwise safely down the road. There are others that may have concerns about driving while black, a concern of racial profiling. Regardless of the reasons, 29 States have rejected primary seatbelt laws.

Given that a majority of the States has declined such laws, it seems inappropriate for the Federal Government to devise a grant program that essentially compels the States to enact primary enforcement laws, and if they do not, they lose Federal gas tax dollars the people in these States paid into the Federal highway trust fund.

My amendment revises the Occupant Protection Incentive Grant Program to grant awards on 85-percent belt use rate—the national average is about 80 percent. Eighty-five percent would, of course, be a significant increase. People are safer wearing seatbelts. It is a good idea to wear seatbelts, but instead of compelling States to enact primary seatbelt laws, the grants should be awarded solely on seatbelt use attainment. The point is to get people to wear seatbelts, not to have prescriptive micromanagement from the Federal Government.

For me, it is difficult to understand the logic of an incentive program that provides Virginia, with its high safety belt use, far less funding than a State with far lower seatbelt use rate but with a primary seatbelt law. Yet that is entirely possible under this bill if the State with a lower seatbelt use rate has enacted a primary seatbelt law.

For example, a State could have 70-percent seatbelt usage and receive Federal funds under this grant program only because it has enacted a primary seatbelt law. However, another State could have 89-percent seatbelt usage rate but not qualify for this grant funding because it does not have a primary seatbelt law. That makes absolutely no sense unless one is an officious meddler who wants to dictate and meddle in the prerogatives of the people in the States.

If the goal is to attain higher safety belt usage rates, incentive grants