

this point, because it is important—the intention here was to strike this balance and not to move too far. Not to allow open-ended flow control authority on the left, if you will, on the one side; and at the same time not to allow it to go back so far over to the free market side on this particular bill that we would lose the balance.

I might say for the benefit of the Senator from Arizona, we have rejected a number of amendments that would allow for open-ended action. If this community says, “We would like to think about having flow control at some point within the 30-year period, will you exempt us?” The answer is, “No, we will not.” In other words, there had to be some financial commitment, preferably a bond or contract, some amount of money had to be committed, usually in the form of a contract or a bond. So we were very, very tough on those people who came to us. We did not agree to allow that far-reaching aspect of the bill.

Again, it might not be exactly what everybody wanted but it is a compromise and I urge my colleagues, no matter whether you are moving further to the free market side as I am, or whether you are moving further toward flow control where Senator LAUTENBERG and others are, whichever one of those positions you favor, I urge my colleagues to stay here in the center, in the compromise, and reject the Kyl amendment and reject any amendments on the other side that may come up to expand flow control authority. So, on the one hand let us not expand it. On the other hand, let us not restrict it.

I again encourage my colleagues, when the vote does come on this amendment, to defeat it for the reasons given.

Mr. President, I yield the floor. If no other Senators are seeking recognition, 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. DEWINE. Mr. President, 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. DEWINE. Mr. President, I further ask unanimous consent to speak as in morning business.

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

SCHOOL BUS SAFETY

Mr. DEWINE. Mr. President, a few weeks ago on this Senate floor I discussed the problem of school bus safety. In February of this year a young girl by the name of Brandie Browder, an eighth grader in Beaver Creek, OH, was killed when the drawstring around the waist of her coat got caught in the handrail of her school bus.

Just 4 days later, in Cincinnati, a seventh grader suffered a broken foot in a very similar accident.

As I pointed out when I spoke previously about this matter, while school buses are certainly among the very safest modes of transportation, the sad fact remains that an average of 30 schoolchildren are killed every single year in America either getting off or getting back on their own school buses—30 children.

Each child, Mr. President, with parents, grandparents, brothers, and sisters, and because of that child's death their life will never be the same; 30 children who will never have the opportunity to grow up, 30 children who will never have the opportunity to live out their potential. The sad fact is, Mr. President, that almost without exception these are preventable deaths.

When I last spoke on this issue, I discussed three specific safety issues, three problems that cause these deaths. One was a handrail problem. The second was the problem of the child getting on and off the bus and how we can make that area safer so the school bus driver will know what is going on in that area. And finally, I talked about the possibility of better training for school bus drivers.

Today, I would like to concentrate on the issue of handrails on these school buses because between the time that I last spoke to the Senate about this issue myself and my staff have spent a great deal of time looking at this issue and finding out additional facts. And the sad fact is that we lose many children because of this handrail problem.

This is a problem, Members of the Senate, that can be corrected very easily for less than \$20 per school bus. So it is not something that is going to cost a great deal of money. It is something though that will not be fixed unless parents, teachers, administrators, and members of the public demand that this problem be fixed in each school bus in the country.

As I previously mentioned, an alarming number of these accidents are occurring when a strap from a backpack on a child or the drawstring of a little girl's or little boy's coat gets snagged in the handrail while that child is exiting the bus. We all know I think from our own experience from our own children how many kids today have backpacks or have a poncho or something that has a string that can in fact get caught as that child is getting off the bus.

Mr. President, with many of these handrails there is a small space between the handrail and the wall of the bus where something like the drawstring around the waist of a coat can get snagged. The child is getting off the bus. The child begins to get off that bus but the child's clothing is stuck and is still attached when the bus driver mistakenly begins to pull away thinking the child has exited the school bus. As I pointed out, a number of children have been killed in this exact manner since 1991.

Let me give a little background on the analysis of this problem. Beginning

in early 1993, the National Highway Traffic Safety Administration [NHTSA] initiated a series of investigations to find out if the handrails on school buses were actually designed in an unsafe manner. As a result of these investigations, nine distinct models of school buses were recalled because of potentially unsafe handrails. However, tens of thousands of these unsafe buses were not recalled. They are still on the road. The bus that killed little Brandie was not recalled, not because the bus was safe—just the contrary—but it was not recalled because the company that made the bus had already gone out of business.

Mr. President, we clearly must track down these buses. We must make sure that every single bus in this country is inspected. We have to fix them or get them off the road.

Let me again repeat. We are not talking about a very expensive repair. It is not a cost question. It is a question of locating the buses. It is a question of public awareness, which is why I am on the floor today.

We as parents need to make sure our children are not getting on an unsafe bus this afternoon, tomorrow morning, or ever. We can all look for ourselves. When our child gets on the bus tomorrow morning, or gets off the bus this afternoon, look at the handrail to see if that gap does in fact exist. We must not rest until every one of these buses is identified and fixed.

Let me advise my colleagues what we are doing in the State of Ohio with regard to this. I had the opportunity this morning to talk to highway patrol officials who are in charge in the State of Ohio of school bus inspections.

As I have indicated, there really is a simple solution to this particular handrail problem. Every year the Ohio State Highway Patrol during the summer months when school is not in session conduct inspections of every single school bus in the State of Ohio. I suspect that there are other law enforcement agencies that perform the same function in all the other States of the Union as well.

The Ohio State Highway Patrol, when they begin these inspections in the next several weeks, are going to in addition to what they normally do look for this specific problem. When they find the problem, if they do, they are going to take the bus off the road until the problem is corrected because as I indicated it is a very relatively simple problem to solve at a cost of probably no more than \$20.

They use an inspection device, a tool. If I describe it, I think it will give our listeners and Members of the Senate a good idea how simple it is. It is a tool made with a long string with a nut attached to the end. From outside the school bus door, you drop the nut end of the device into the crevice where

with the lower end of the handrail is attached to the lower area of the stepped wall. When you pull the device toward the outside of the school bus through the crevice, if the tool gets caught the bus is rejected and then not allowed onto the road until this is fixed.

As I point out, fixing these buses is relatively easy. For around \$20 you can put a safe new handrail on the bus, a whole new handrail, or for even less money than that you can modify the handrail by inserting a special wood or rubber spacer between the bottom attachment point of the handrail and the bus wall itself. The process is cheap, simple and will save lives.

Mr. President, I urge that all States that are not currently following this inspection policy and are not looking for this problem start doing this as soon as possible. Ohio certainly does not have a monopoly on these potentially unsafe buses. These unsafe buses can probably and I am sure can be found in any State in the Union.

Mr. President, this week just happens to be National Safe Kids Week. There is no better time than the present during this week to focus our attention on the real dangers to schoolchildren who travel by schoolbus.

The goals of National Safe Kids Week are fourfold, but they are quite simple.

First, raise awareness of the problem of childhood injuries.

Second, build grassroots coalitions to implement prevention strategies.

Third, stimulate changes in behavior and products to reduce the occurrence of injuries.

Fourth, make childhood injuries a public policy priority.

Mr. President, these four goals should set our agenda for safety for children and specifically should set our agenda for school bus safety. I will in the weeks ahead again return to the floor to revisit this entire issue, but at this time I think it is important that we get about the business of dealing with this handrail problem.

In conclusion, I should like to alert my colleagues and other concerned Americans to an important satellite feed about this issue of school bus safety. Later today and tomorrow, the National Highway Traffic Safety Administration will be showing a TV program on this very issue. This program will be available by satellite, and I would urge those who are interested in this vital issue to contact NHTSA about the details.

Again, Mr. President, I thank all the concerned parents and the educators and others who are contributing to the success of National Safe Kids Week. To them I simply say thank you, thank you for caring, and, believe me, you are in fact making a difference.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. DEWINE. Mr. President, I do suggest at this time the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

Mr. KYL. Mr. President, while I was presiding, the Senator from New Hampshire made some comments relative to the amendment I had just introduced and spoken on. I regret he is not here, but I would like to respond to those remarks. They were well put, and I appreciate the cooperative spirit in which he gently opposed my amendment. I wish to respond to the points he made to illustrate why I still think my amendment should be adopted.

As you will recall, my amendment provides very simply that the grandfathering of monopoly status that these facilities need because the Supreme Court has declared them unconstitutional ought to be limited to the period of time that it takes for these facilities to repay the bonds; that beyond that time there is no rationale, at least no rationale that the Senate ought to be a party to, that once the bonds are paid off, the investor's money has been returned in full, there is no rationale for protecting the municipality from competition in the handling of garbage.

That is why my amendment would cut it off at that point and not allow the remaining exceptions, which include expanding the life of the plant, or the useful life of the plant to some unknown length of time with a 30-year time limit or for contracts that are in existence.

It would limit the grandfathering to that which is necessary or required but not beyond.

Mr. President, the Senator from New Hampshire made the point that investors believed that they would have the protection of the law and we ought to give it to them, and that is precisely what my amendment does—no less but no more. It says to those investors, you get your money back when the bonds are fully paid off; that then but only then does this exemption from the U.S. Constitution apply. So we give them that grace period. That is point No. 1.

Point No. 2. The Senator from New Hampshire said, well, there is a provision in this carefully crafted compromise for upgrades of facilities. And my response to that is, yes, that is there, but it is not needed and certainly not deserved. It creates a giant loophole which in effect means that all that the owners of these plants have to do is to provide some kind of upgrade to their facility—I presume that is

anything beyond usual maintenance—and up to a 30-year period they can foreclose all competition.

That is un-American, it is unconstitutional, and it is not something that the Senate should be a party to, Mr. President. That is why my amendment specifically would not permit this special monopoly to exist beyond the time that it takes to repay the bonds. You cannot just fix your facility up and say we have extended its useful life and we want to continue to have a monopoly during the useful life of the plant.

That would not be a justifiable reason, and I know of no reason which justifies that particular exemption. None has been suggested.

Third, our colleague from New Hampshire made the point that innocent people were impacted as a result of the Supreme Court decision, and that is true. My guess is that most of the people who invested in these bonds had no idea that the Supreme Court would declare the whole practice unconstitutional.

Agreeing with the principle that those innocent people should be protected, my amendment does precisely that. It protects them. It says that until those bonds are paid off, the monopoly status of the facility is protected. So, in other words, the bonds get paid off, the investors get made whole, all of those innocent people have their investment returned, and they lose nothing as a result of my amendment.

Mr. President, there are other innocent people involved in this as well. These are the people who are required to pay the higher taxes because of the unreasonably high prices extracted by virtue of the fact that this is a monopoly. That is why we have antitrust laws. That is why our Constitution contains a clause that says that States cannot interfere with interstate commerce.

But that is what has been done in this case. That is what the Supreme Court outlawed. And the U.S. Senate ought to pay attention not only to the innocent people who invested, who are totally protected under my amendment, but also the totally innocent people of the State who are having to pay two, three, four times as much; the EPA estimates 40 percent more than they would otherwise have to pay as a result of this monopoly status that is being granted. So if the argument is that we should protect innocent people, then the Senate should adopt my amendment.

Finally, and the real reason why I think there is an objection to my amendment is that it might unravel a carefully crafted compromise.

Mr. President, that is the unprincipled but very pragmatic reason frequently given to opposing amendments in this Chamber and in the other body. We have all been a party to those. It is