

because we didn't want to be in a position where the bill was sent to the President in August and held up there, but we finished all of our work.

Regrettably, this bill has not been presented to the President because of the efforts on negotiations with the White House to try to get a bill which the President could sign. I repeat, I think it is a mistake, constitutionally and procedurally, to do that. We ought to send the President the bill.

There have been, candidly, concerns within the Republican leadership where we have had bicameral meetings between the House and the Senate, the leadership, on precisely what should be done. It is my urging to my colleagues in the Senate and the House that we should stand by our bill of \$106.2 billion, which is as much as the President asked for, and we should stand by our priorities, which give \$600 million more to education. There is no higher priority in America than education. And we should stand by our priority of according \$1.7 billion more to the National Institutes of Health. We should stand by our approach of giving the President what he asked for on teachers and school construction, subject to local determination if the local boards decide they do not want it for those purposes. But we ought not to buy our way out of town and to knuckle to the President and cave to the President. We ought to assert our legislative institutional standing.

This bill could have been presented to the White House in early September. This Senator has pressed consistently in leadership meetings to present the bill to the President. It is my hope we will do that.

I am not unaware of the fact that this is October 17 and that the Presidential election will be held 3 weeks from today. But I think we are dealing with values and principles here, constitutional principles which are paramount, and we ought to assert our legislative prerogatives and submit the bill to the President. There might be an opportunity for a national debate on this subject. Certainly it is worth an effort.

There is no doubt that the President has the so-called bully pulpit, but there is a lot of concern in America on what the funding is going to be for the Departments involved here, not only the Department of Labor but certainly the Department of Education and certainly the Department of Health and Human Services. We ought to lay down a marker. We ought to lay down the gauntlet, and we ought to ask America to join in a debate to see where America's priorities lie.

My own instinct is that we have the high ground here and we have the better case. So I hope the Congress will submit this bill to the President, will engage in that debate, and will assert our constitutional prerogatives to legislate. I think we have a good chance to have this bill finally enacted into law, or if it is vetoed, with some na-

tional debate, something very close to it.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 4461

Mr. COCHRAN. Mr. President, I am pleased to announce to the Senate that agreement has been reached and I am able at the request of the majority leader to make an announcement on the scheduling of votes and other business before the Senate.

I ask unanimous consent the vote on the Agriculture appropriations conference report now occur at 5:30 on Wednesday, October 18, and further, the allotted debate times prior to the vote now occur beginning at 3:30 on Wednesday.

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

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

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

THE TREAD ACT

Mr. FITZGERALD. Mr. President, I rise today to clarify the history and intent of section 14 of the Transportation Recall Enhancement, Accountability, and Documentation Act, which passed the Senate on Wednesday. This section of the legislation is based on the Child Passenger Protection Act of 2000, which I introduced on February 10, 2000 with my colleague from Arkansas, BLANCHE LINCOLN, and my colleague from Pennsylvania, RICK SANTORUM.

The purpose of the Child Passenger Protection Act of 2000 is to enhance children's safety in motor vehicles. It calls for the adoption of improved child restraint safety performance standards and testing requirements, and it requires the Secretary of Transportation to provide parents with better consumer information about child restraints.

Child deaths in motor vehicle crashes in the United States have declined some since 1975, but significant work remains to be done in the area of child passenger safety. Motor vehicle crashes are the single leading cause of death and serious injury for young children in the United States.

Each year, up to 600 children under the age of five die in car crashes, and

up to 70,000 are injured as occupants in motor vehicle crashes. Motor vehicle crashes cause about one of every three injury deaths among children 12 and younger in this country.

A child restraint that is installed and used correctly can prevent many injuries and deaths. The failure of some consumers to use age- and weight-appropriate child restraints has been well documented. Many consumers who purchase and use child restraints have little guidance or information with which to distinguish among the broad array of models, sizes, shapes and features of child restraints that are being sold in retail stores.

A child restraint that is well designed can prevent still more child injuries and deaths. The former top safety official at the National Highway Transportation Safety Administration (NHTSA), Dr. Ricardo Martinez, stated, in a letter dated September 14, 1999 to all manufacturers of child restraints sold in the United States: "[m]any restraints have been engineered to barely comply with some of the most safety-critical requirements of the [Federal] standard." NHTSA also has questioned the efforts of some child restraint manufacturers to have child restraint defects characterized as "inconsequential" to avoid recall campaigns, and the agency recently suggested that child restraints be assigned safety ratings.

NHTSA is the agency within the United States Department of Transportation that monitors the safety of child restraints. NHTSA's primary method for verifying that a child restraint is designed to meet Federal safety standards is its compliance testing program. In compliance tests, Federal regulators subject the child restraint to a sled test that simulates a frontal collision with a stationary object.

The sled test used by NHTSA to verify a child restraint's performance does not consider how that restraint will perform in rear-impact, rollover, or side-impact crashes; and the sleds used in government compliance tests bear limited resemblance to the interiors of today's passenger vehicles. These sleds feature flat bench seats with lap belts that were common in automobiles of the mid-1970s, but which do not apply to many of the passenger vehicles that are on our roads these days.

Child restraints are too often marketed for children who are heavier than the anthropomorphic test dummies used by NHTSA in these sled tests. One private group's testing has shown that child restraints tested with a child at the highest weight recommended by the manufacturer have failed. NHTSA should allow child restraints to be marketed for children at specific weights only if the restraint has been tested at those weights.

The current Federal standard for child restraints, known as Federal Motor Vehicle Safety Standard 213, is overdue to be upgraded to better reflect new developments in technology.

While the current safety standard for child restraints specifies that child restraints be tested at an impact of 30 mph, tests are regularly conducted at speeds as low as 27.6 mph. The Government does not crash test any child restraints in actual motor vehicles; and it has not required that child restraint manufacturers simplify and standardize instructions for installing and using child restraints.

Finally, although head injuries from motor vehicle collisions frequently are the cause of serious injuries or fatalities, many makes and models of child restraints do not offer side-impact padding or other protection from head injuries in side-impact crashes. The Child Passenger Protection Act requires the Secretary of the U.S. Department of Transportation (DOT) to initiate a rulemaking that would address these and other deficiencies in our current child restraint system.

Under this legislation, DOT will also begin a comprehensive program to provide information to consumers for use in making informed decisions in the purchase of child restraints. The Secretary must issue a notice of proposed rulemaking to establish such a program within 12 months of the bill's enactment, and it must issue a final rule within 24 months of the bill's enactment.

The Subcommittee on Consumer Affairs, Foreign Commerce and Tourism held a field meeting on June 19, 2000 in St. Louis, MO, to discuss the Child Passenger Protection Act. My colleague from Missouri, Senator JOHN ASHCROFT, chaired this field meeting, at which the subcommittee heard testimony from NHTSA, highway safety advocates, and a pediatric surgeon concerning the current state of child passenger safety and additional ways to improve safety. S. 2070 passed the full Committee on Commerce, with a substitute amendment, by voice vote on September 20, 2000.

This committee amendment to S. 2070, which has been incorporated into section 14 of the TREAD Act, also requires a study, within 12 months of the bill's enactment, of automobile booster seat use and effectiveness. In addition, this committee amendment requires DOT to develop a 5-year strategic plan to reduce deaths and injuries caused by the failure to use an appropriate booster seat for children between the ages of 4 and 8 years. The bill thus focuses more attention on an issue that automobile safety advocates have dubbed the "forgotten child problem." This problem exists for children, usually between the ages of four and eight years, who have outgrown their infant child restraints but who do not fit properly in adult seat belts.

I want to close by extending my thanks to all who have so strongly supported this legislation, including the American College of Emergency Physicians, Advocates for Highway and Auto Safety, the Easter Seals KARS program, State Farm Insurance,

SafetyBeltSafe U.S.A., the National SAFE KIDS Campaign, the co-authors of the book *Baby Bargains*, Consumers Union, and the American Automobile Association. I congratulate my colleague from Illinois, Congressman JOHN SHIMKUS, who introduced companion legislation in the House of Representatives, for his fine work on getting this legislation included in the TREAD Act and through the House of Representatives on Tuesday. I am pleased that this important piece of legislation passed the Senate unanimously last week.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 17, 1999:

Ariosto Bautista, 20, Rochester, NY;
Tavaris Covington, 20, Charlotte, NC;
Jilad Edwards, 16, Detroit, MI;
Jason Jones, 16, Baltimore, MD;
Edward Mason, 76, Dallas, TX;
Luis Hernandez, 30, Oakland, CA;
Hiram J. Rumlin, 25, Rochester, NY;
Herbert Sanford, 21, Detroit, MI;
John Williams, 36, Baltimore, MD;
Ladrandria Williams, 18, Detroit, MI;

and

Unidentified Male, 82, Portland, OR.

Following are the names of some of the people who were killed by gunfire one year ago Friday, Saturday, Sunday and Monday.

October 13, 1999:

Adnan Ahmed Ali, 21, Memphis, TN;
Richard Baker, 27, Philadelphia, PA;
Ivan Cook, Sr., 68, Knoxville, TN;
Granville Deshields, 23, Philadelphia, PA;

PA;

Kevin Hooker, 20, Atlanta, GA;
Robert Liggins, 35, Dallas, TX;
Christopher Scott, 25, Baltimore, MD;

Theresa Scott, 38, Detroit, MI;
Zzeene Stukes, 23, Baltimore, MD;
Davey Taylor, 22, Detroit, MI;
Unidentified Male, Long Beach, CA;
Unidentified Male, Portland, OR; and
Unidentified Male, Washington, DC.

October 14, 1999:

Andre Chamberlin, 23, Washington, DC;
Nathen Davis, 23, Washington, DC;
Luis Fernandez, 38, Miami-Dade County, FL;
Ronnell Johnson, 22, Baltimore, MD;
Shaun Lynch, 20, Houston, TX;
Jennifer Monte, 23, Philadelphia, PA;

David Naysmith, 29, Detroit, MI;
Eliezer Nieves, 30, Miami-Dade County, FL; and

Unidentified Male, 19, Portland, OR.

October 15, 1999:

Justin Alban, 23, Baltimore, MD;
Albert Carballo, 48, Miami-Dade County, FL;

Carl Creary, 48, Miami-Dade County, FL;

Devadiipa Creary, Miami-Dade County, FL;

Sylvester Exum, 45, Memphis, TN;
Juan Godin, 42, Houston, TX;
Brian Harrington, 3, Detroit, MI;
Wanda Harrington, 47, Detroit, MI;
Guillermo Marquez, 32, Houston, TX;
Anton Parker, 19, Washington, DC;
Mario Pujol, 53, Miami-Dade County, FL;

Magdeil Rivera, 25, Bridgeport, CT;
Luis Velez, 20, Bridgeport, CT;
Clifton Walker, 31, Philadelphia, PA;
Unidentified Male, 16, Chicago, IL;
Unidentified Male, 96, Long Beach, CA; and

Unidentified Male, 17, Norfolk, VA.

October 16, 1999:

Hector Aviles, 21, Philadelphia, PA;
Norris Bradley, 19, Washington, DC;
Elenora Fisher, 35, New Orleans, LA;
Anthony Harth, 25, Kansas City, MO;
Pretlow Howell, 22, Chicago, IL;
Bruce Kelly, 35, Akron, OH;
Jose Martinez, 22, Houston, TX;
Jose Ramos, 24, Philadelphia, PA;
David Stopka, 25, Chicago, IL;
Carey Thompkins, 28, Cincinnati, OH;
George Zafereo, 52, Victoria, TX; and
Unidentified Male, 82, Portland, OR.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

CASSIE'S LAW

Mr. CRAPO. Mr. President, I rise today to congratulate the Senate on its unanimous passage of the Violence Against Women Act. In particular, I would like to commend the members of the conference committee for including language that establishes a legal definition of dating violence.

In domestic violence situations, victims are victims regardless of their age or legal relationship to the abuser. The seriousness of this issue was brought home by a tragic case in Idaho. In December 1999, a 17-year-old Soda Springs, Idaho, girl, Cassie Dehl, was killed in an accident involving her abusive boyfriend. Prior to her death, the numerous attempts by her mother to obtain legal protection for her daughter failed because Idaho's domestic violence laws did not apply to teenage dating relationships. Earlier this year, Idaho Governor Dirk Kempthorne and the Idaho State Legislature enacted legislation, named in Cassie's memory, which extended Idaho domestic violence laws to dating relationships. I am pleased that Federal law will now also protect teenagers involved in abusive dating relationships.