

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

necessary to craft legislation that is required to make compromises and no one argues against that practice.

But there are certain situations where there are fundamental principles involved. And where fundamental principles are involved, we need to be very, very careful about justifying opposition to principles on the basis of compromise. In other words, Mr. President, there are some things that ought not to be compromised. One of them is the United States Constitution.

When the Supreme Court says that a practice is unconstitutional, we ought to be very, very careful how we override that decision. We ought to do it in the narrowest possible way. That is what my amendment does. It says, until the bonds are repaid, we will grant these municipalities a monopoly power that nobody else can get, that the United States Supreme Court says is unconstitutional but, recognizing that investment decisions were made based upon the previous existing law, we will acknowledge that that exemption should last at least until the bonds are paid off. But my amendment says, at that point, no further. We do not need to go any further. No one else needs protection here.

All we are doing at that point is creating a monopoly protection which creates higher prices and prevents the free market from operating. Now it may be true that standing on that principle will cause a bill to unravel; that if my amendment were to pass, there is insufficient support then for the legislation to get it passed. My response to that is that we do much better politically in this body when we do what is right and that, if we will stick to principles, in the end we will get the kind of legislation that is necessary; that we make mistakes when we compromise principle for the sake of getting something through rather than for the sake of doing what is right.

This is a constitutional issue. I would perhaps suggest an analogy here.

Mr. President, what if a municipality had passed an ordinance declaring that certain speech could no longer be engaged in in the community, and everyone rose up in arms and said, "Why that is unconstitutional"? A lawsuit was brought and the Supreme Court says, "That is correct. You cannot impede free speech. Municipality, your actions are unconstitutional." And the municipality said, "But we have a real need to impede free speech in this particular area."

Do you not think that the U.S. Senate would be very, very careful about granting an exemption from the Constitution, in effect, here; would be very, very careful? Obviously, we could not constitutionally do that, but we would want to be as limited as possible in crafting legislation that would meet the constitutional standards the Court laid down.

That is what we should be doing in this case, because the Court has already spoken. The Court has said that

States that have this flow control do so in violation of the U.S. Constitution.

So, in trying to figure out a way around that, we ought to be as careful and as limited as possible, not as expansive as we can think of. And that is why my amendment, I submit, is the only constitutional, commonsense course of action that the Senate can take to protect those situations where there has been an investment made until the investment is paid off. But, after that, no more monopoly.

And if that should cause the compromise to break apart, then it would be necessary, as the Senator from New Hampshire said, to go back to the drawing board and redo it. And I think that would be a good thing. But my hope would be, Mr. President, that it would not cause the compromise to fall apart; that we would all recognize that a limited exemption is all right to pass, we should pass it, but that we should not do more than that simply because some Senators might want to, in effect, overreach beyond what is really necessary or appropriate given the Supreme Court's decision.

So with all due respect to my friend and colleague from New Hampshire, who really helped to make the argument in principle to what I am saying but found it necessary to object nonetheless because of the position he finds himself in, I suggest the best way to a deal with this issue is to adopt my amendment, provide full protection for all those who need protection, but to limit the exemption to that point.

Mr. President, we are going to be voting on the Kyl amendment at 2:30 and, unless our colleagues, who have not been here on the floor, are watching from wherever they may be, it is going to be very confusing what this is all about, because this was not part of the committee action. I just urge my colleagues to consider this, to ask questions about this, come to the floor to engage me in a colloquy if that is their desire. I would be happy to answer any questions I can.

No one—no one—has made the case why we should extend to the useful life of a project a special exemption after the bonds have already been paid off; how it is that an operator cannot simply add something to the plant and say they have extended the useful life, thereby going to the full 30-year limit of this legislation. No one has made the case of why that should be the law. And until that case is made, if it can be made, we should not accept that proposition in dealing with something as sacred as a constitutional principle here.

Mr. President, I will ask my colleagues, again, to support the Kyl amendment when we vote on it at 2:30.

At this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

Mr. DEWINE. 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, Mr. President, I ask unanimous consent to proceed as if in morning business.

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

#### TRIGGERLOCK

Mr. DEWINE. Mr. President, yesterday I came to the floor to begin a discussion about the crime bill that within the next several days I will be introducing. I would like today to continue to talk about other provisions of that crime bill.

As I indicated yesterday, I believe that there are really two truly fundamental issues that we always need to address when we are looking at the validity or the merits of any particular crime bill. First, what is the proper role of the Federal Government in fighting crime in this country? Second, despite all the rhetoric, what really works in law enforcement; what matters and what does not matter?

It has been my experience, Mr. President, as someone who does not pretend to be an expert in this area but someone who has spent the better part of 20 years in different capacities dealing with this, beginning in the early 1970's as a county prosecuting attorney, it has been my experience that many times the rhetoric does not square very closely with the reality, and that really, if we are serious about dealing with crime, the people that we ought to talk to are the men and women who are on the front lines every single day—the police officers, the tens of thousands of police officers around this country who really are the experts and who know what works and what does not work.

The bill that I will introduce is based upon my own experience, but it is also based on hundreds and hundreds of discussions that I have had over the years with the people who, literally, are on the front line.

Yesterday, I discussed these issues with specific reference to crime-fighting technology. The conclusion I have reached is that we have an outstanding technology base in this country that will do a great deal to catch criminals. Technology does, in fact, matter, and it clearly matters in the area of law enforcement. But we need the Federal Government to be more proactive in this area, more proactive in helping the States get on line with their own technology.

Having a terrific national criminal record system or a huge DNA data base for convicted sex offenders in Washington, DC, is great, but it will not really do much good if the police officer in Lucas County, OH, or Greene County or Clark County or Hamilton County cannot tap into it. It will not do any good if we cannot get the information, the primary source of this information, from them and get it into the system.

Crimes occur locally. Ninety-five percent of all criminal prosecution, of all