

agreements that did exist. It is time for us to decide we must insist our country stand up for its own economic interest. Yes, its economic interest is in part served by expanding world trade. We are a leader. We ought to lead in world trade. We ought not close our borders. I don't sound like Smoot. I don't look like Hawley. So those thoughtless people who say, "Well, if you don't chant 'free trade' like a robot on a street corner, we will call you Smoot-Hawley"—that is the most thoughtless stuff I ever heard, but it goes on all the time.

I am not someone who believes we should shut off the flow of imports and exports, but I do believe we ought to stand up to the interests of the Chinese, Japanese and, yes, the Mexicans and Canadians, and other trading partners and tell them it is time for reciprocal and fair trade treatment. If we let your goods into our marketplace—and we should and will—then you have a responsibility to open your markets to American goods.

If we say to our people, "You can't pollute our streams and air when you produce," then foreign producers who want to ship to our country ought not be able to pollute their rivers and streams on Earth through that same production. If we say that it is not fair to hire 14-year-old kids and work them 14 hours a day and pay them 14 cents an hour, then we ought to say to them that we don't want your goods if you are employing 14-year-old kids and working them 14 hours a day. We don't want producers to pole vault over all those debates we had all these years about worker safety, about child labor, about minimum wage, about air pollution and water pollution. We don't want that to be represented as fair trade because it is not if producers find the lowest cost production in the world, locate their plants there and produce their products in those circumstances avoiding all of the problems that exist for them in having to comply with what we know now are commonsense proposals: child labor proposals, minimum wage, environmental proposals and others. That is what this is all about.

My only concern is this: I want us to have a fast track trade debate in which we are able to offer amendments, able to have a lengthy and thoughtful discussion about our trade policies and able to have an opportunity back and forth in this Chamber to describe what kind of trade policies will best advance this country's economic interests.

If and when the legislation comes to the floor of the Senate, and we will begin with a motion to proceed at some point, when that happens, some of us will be on the floor of the Senate insisting that we have a full, a fair and a thoughtful debate about this country's trade policy. At least those of us, including myself, who believe very strongly that a trade policy that produces the largest trade deficit in the history of this country is not moving

this country in the right direction, we will be here demanding that kind of aggressive debate.

What does our trade strategy now produce and what kind of trade strategy would represent better economic interest for this country? Not protectionism, but an interest of expanding the American economy and expanding American opportunities as we move ahead.

So let me conclude—I know my colleague has things that he wants to say on education issues—and let me once again indicate that I hope very much that prior to getting to fast track, which I expect will probably happen the end of this week or the first part of next week, that we can also address the issue of campaign finance reform with a real vote, and we can also extend the highway reauthorization bill.

Mr. President, let me thank the Senator from Vermont for his patience and thank him for the wonderful work he does on education.

Mr. JEFFORDS addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. I thank my good friend from North Dakota for his remarks.

The subject I will talk about I know the Presiding Officer does not need to hear. He is well aware of what I am talking about and I know agrees with me that we have to take action.

#### CONGRESS IS RESPONSIBLE FOR THE SCHOOLS

Mr. JEFFORDS. Mr. President, I rise today to bring to the attention of the Senate the tragic situation we have going on right now in the school system of the Nation's Capital.

Nearly every day for the past month an article has appeared in the Washington papers portraying the State of emergency and dysfunction in the District of Columbia's public school system—the shutting down of schools.

Here are some of the facts:

For the fourth year in a row the schools in this city have opened late by at least 2 weeks. This year they are continuing to be closed by the fact that there are repairs that are essential and necessary to be made.

The reason they have opened late is because of an infrastructure emergency—repairs and renovations. These needs are estimated by the GSA to be about \$2 billion. And this is almost all for code violations. It has nothing to do with their acceptability from educational function purposes.

The Congress of the United States is responsible for the schools of the Nation's Capital, the students who depend on these schools, and the repairs these schools need.

What are we doing about this?

I, for one, am ashamed of the way we have not done anything that is responsible to this point, other than what the Appropriations Committee has done

out of necessity but not the way that it ought to be done to be responsible.

I ask my colleagues to take a look at the human result of schools opening late and then closing again.

I ask you to take a look at this. This came from the Washington Post. I will read it to you. The sign says, "Why should students suffer? For adult incompetence."

Those adults are us. We are the ones that have the primary responsibility for the city. We took it back. We took home rule away basically.

This student is from a senior high school and holds a sign. These students were all forced out of their school and forced to be trucked, bused, whatever else, to some other place to be able to receive education until such time as that school is fixed. All this student wants to do is to go to class and start paving the way for her future. Who are the adults that this poster refers to? They are us. We cannot deny that. I hope we begin to understand that.

Times have changed. We took back home rule basically.

Why is the city in this mess? Why can't they get the revenue stream they need to bond so that they can responsibly repair these schools on some sort of a schedule, to get them all done so they can be done when the school year opens, and to do it not in a piecemeal fashion as the Appropriations Committee has been forced to do by having emergencies to appropriate money to do this?

We have to have a plan. If somebody else has a plan to do it, fine. But we cannot let this situation go on where year after year we are going to be doing this, shutting the schools down and trying to find ways to open them. We created this problem. This is another important thing to remember.

In 1974, when we gave home rule to Washington, DC, a very, very astute Member of the Virginia delegation—I commend him for his foresight because Lord knows what would have happened if they had all this additional money to spend with what they did have—but he got legislation passed which said that you can't tax the nonresidents that are working in your city. This is the only city in the country under this situation that does not have that authority.

Sure, the District could levy an income tax on its own residents, but due to the inability to tax the nonresidents, and especially because of the situation in the city—the workers were fleeing out of town; crime was the No. 1 issue; schools second—people were leaving in droves. A lousy educational system, a lousy police system, and so we went from about 50 percent of the workers being residents down to about 30 percent. As money drained from the District, crime went up, as I said, and the school system deteriorated causing the well-known national phenomenon known as "urban flight."

But the urban and middle class population stayed close to the District of Columbia in the suburbs because it is

the crown jewel of this metropolitan region. Being the Nation's Capital, the District provides the jobs, the tourism, the prestige and therefore high-earning capacity to an enormously affluent population residing in the surrounding Virginia and Maryland counties.

But like a tiger with no teeth, the District, under current law, has no ability to levy any fair recompense from those who benefit daily from its services, its roads, and all else, and, namely, their jobs.

Let me point out, every other city in an interstate circumstance like D.C. does have the ability to gain revenues from nonresident workers to support the maintenance of their schools, and whatever else.

In the absence of such a dedicated revenue stream, Congress has tried to keep the city afloat through the annual appropriations process. But in some ways that is like giving a man dying of thirst a drop or two of water every year. Eventually, the biological systems just give out from the stress of such bare-bones maintenance. And that is what has happened to the school system here. It is in the process of giving out.

Listen to the beginning of the article from yesterday's Washington Post.

District schoolchildren lined up somberly in the cold mist early yesterday outside Emery Elementary School in Northeast Washington, waiting to be taken to make-shift classes at a nearby school and a neighboring church. Their school was one of five closed late last week. . .

This is dated October 28th, so this is well after school should have begun.

where asbestos is being removed during boiler repairs.

That is what has been going on. We just cannot blind ourselves to it. And I know when you talk about D.C., most everybody and Members just say, "Well, that's not our problem." But it is. That is the message I want to give them today.

In 1995, Congress created the Control Board and later the Emergency School Board of Trustees thereby taking back most of the authority over the management and delivery of education which the Senate previously had. And we therefore took over the responsibility of the schools of this city. This Emergency School Board of Trustees deals specifically with the school infrastructure problem.

Earlier, the Control Board asked GSA to estimate the need, and outline a plan for repair and renovation. And the report came out in September of 1995, showing a \$2 billion sum, mostly for code violations, in order to make the schools physically safe for the children to be in.

The thought of appropriating \$2 billion from the Congress, to do this in an orderly fashion, is of course impossible to think of. And why should they when all they have to have is the power that any other city, under the circumstances, has to take really a 1 percent tax on the nonresidents in order

to be able to raise enough money on the bonding to fix the schools?

Why shouldn't the people that benefit from the jobs in this city take part in helping the city, like those benefiting in every other city under these similar circumstances do?

We have on our shoulders the burden of these schools. The average District of Columbia public school facility is 65 years old. We have also taken on our shoulders the fact that 48 more roofs need to be replaced. That is in addition to all of those that have been replaced up to now. We have taken on ourselves the burden that 72 of the school boilers need to be replaced. We are heading into winter right now and already they are blowing up or failing. So we will see these boilers starting to blow up more on the days ahead. The colder it gets the more they will be going, and we will get more articles in the Washington Post and more condemnation for our failure to act.

The control board has tried to meet the demands. Under the direction of Gen. Julius Becton, 61 school roofs have been repaired or replaced since January 1997 but that is all from emergency money from the Appropriations Committee—not a sound way to do it. Over the past 2 years, \$86 million has been appropriated for such repairs. Also, I have been able to raise a similar amount by being able to find things that were going to raise money within the city like the privatization of Sallie Mae and Connie Lee, so we have put a lot of money into fixing these schools up, but to do it piecemeal one or two schools at a time—it will be 40 years before we are done at that rate. The District needs a dedicated revenue stream to be able to bond to meet the \$2 billion challenge. We need that stream to responsibly meet our responsibilities.

I have a plan to do that. If someone else has a better plan, fine, bring it forward, let's take a look at it, but let us not fail to meet our responsibilities.

My proposal to meet this challenge is laid out in the legislation S. 1070, which proposes a nonresident income tax to provide that dedicated revenue stream to fix the schools, to provide that \$2 billion. Incidentally, I want to reassure, and I don't know how many of my colleagues listen to us when we are here, but I know a number of our staff do because they called up in a panic thinking they would have to pay more taxes. I want to reassure them that that is not the case because already in the law they are required to allow people to take that as a tax credit for either the Virginia or Maryland taxes they pay, so no one is going to pay any more taxes. That will all be able to be taken as a credit against the taxes of Maryland and Virginia.

For all of those hard-working residents of northern Virginia and southern Maryland I say you will not have a difference in your tax. I want to emphasize that.

My proposal is also to take a reasonable approach to the issue of education

and training, to create a reasonable partnership dedicated to fix the 50,000 jobs that are out in this area that are going begging because the region does not provide the necessary skills for them to take these jobs.

If we go up to 3 percent we can provide a revenue stream for the District to help them float municipal bonds or to provide money to improve their educational system. I know the Presiding Officer from North Carolina had spectacular results in taking care of regions, and providing the educational skill and training in regions, and I know this will work here if we have the funding to do it.

The bill represents a novel and equitable approach. The taxpayer suffers no economic detriment. The taxpayer's community in the Washington metropolitan area will receive substantial additional education training benefit. Workers for the thousands of available jobs will be provided new business which will be attractive and substantial new tax revenues will be raised. This is a win-win win-win.

In this process, Congress will live up to its responsibility to meet that \$2 billion challenge through the simple act of giving the District of Columbia the ability to act like any other city in a similar interstate situation. By giving up our responsibility we will not have to bear the shame of knowing that those adults the marching students referred to, "Why should students suffer—for adult incompetence," that we would no longer be placed in a position of having to respond to that.

I thank my colleagues. I urge them in joining me to make the issue of our Nation's Capital school system a top priority for us.

I ask unanimous consent the complete Washington Post article from yesterday be printed in the RECORD.

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

[The Washington Post, Oct. 28, 1997]

BATTLE OVER BOILERS LEAVES D.C. STUDENTS OUT IN COLD

CHILDREN BUSSED TO OTHER SITES AS JUDGE KEEPS SCHOOLS CLOSED

(By Debbi Wilgoren)

District schoolchildren lined up somberly in the cold mist early yesterday outside Emery Elementary School in Northeast Washington, waiting to be taken to make-shift classes at a nearby school and a neighboring church. Their school was one of five closed late last week because a D.C. judge didn't want students in school buildings where asbestos is being removed during boiler repairs.

But boiler repairs haven't started yet at Emery, school officials said yesterday. And asbestos removal for boiler work was finished Friday in two of the other closed schools, Langdon Elementary in Northeast Washington and Whittier Elementary in Northwest Washington.

D.C. Superior Court Judge Kaye K. Christian probably doesn't know there is no dangerous work going on at those three closed schools because—after learning last week that some asbestos removal had begun without her permission—she refused to let school

system witnesses testify about boiler repairs.

The D.C. Court of Appeals rejected a District request yesterday to overturn Christian's order closing the schools. The court said it would first give Christian a chance to rule on a similar request that the city made over the weekend.

In the meantime, about 4,300 students—including 1,800 from two other schools that have been closed for a month because of roof repairs—are displaced without proper books, supplies or equipment.

"What we see happening is the egos and emotions of adults penalizing and punishing the children," said Roger Glass, PTA president at Whittier, where no boiler work was underway yesterday and where school officials say asbestos removal was completed last week.

"I don't know how else to explain it," Glass said. "I understand that the judge is the judge, and she has all the authority. But just because she has the right to do something doesn't mean that it is the right thing to do."

The boiler standoff between Christian and the school Chief Executive Julius W. Becton, Jr. is the latest in a series of clashes that began shortly after Becton was appointed in November to overhaul the troubled D.C. public schools.

As the retired Army lieutenant general has pushed forward with repairs never undertaken by his predecessors, Christian—who oversees school building safety because of a 1992 lawsuit against the city over the fire code violation in schools—has demanded detailed summaries of the repair work and repeatedly expanded her jurisdiction over safety issues.

This summer, Christian forbade roof work while students or staff were in school buildings, despite expert testimony that such repairs could be made safely. The appeals court upheld her decision. Last month, she ruled that no construction of any kind could take place while a school is in operation.

When a fire inspector said in court last week that the boiler work could be defined as construction, Christian put that on the list of forbidden work as well, even though boiler repairs have been made in the past without her interference.

"The court has ruled on these issues with respect to construction going on in these schools while they're occupied," Christian said, interrupting Assistant Corporation Counsel Robert Rigsby on Thursday as he tried to protest her decision. "This court has ruled that this work is to be done while the building is not occupied. Certainly the court has grave concerns about asbestos and children."

School Chief Operating Officer Charles E. Williams testified in court Friday that asbestos-related boiler work scheduled for Emery had not yet started. But Christian, who had closed Langdon the day before, said: "If Emery, Tyler, Whittier and Young are undergoing this process, then they are to be closed."

Rigsby tried to clarify the order but did not specifically point out that work had not begun at Emery. Christian told him to put his requests in writing. Neither school spokeswoman Loretta Hargde nor Corporation Counsel John Ferren returned telephone calls yesterday to explain whether they considered keeping Emery open because no work is going on there.

School officials say that it is costing them more than \$20,000 a day for buses to transport the students to alternative school sites. And the situation could get worse, they warned, if more schools must close before boiler repairs and other work can be started.

About 72 boilers in the city's 146 aging schools have needed replacing for years, officials

note. Unless the work is done, youngsters in many classrooms will continue to be dependent on temporary heat or end up taking tests in coats and mittens. The school system has secured \$40 million to begin replacing 47 of the boilers and had hoped to do the work this fiscal year.

Each project begins by unwrapping material that may contain asbestos from around the pipes of the old boiler—the procedure that concerned Christian the most last week. But the project manager that Christian wouldn't let testify said in an affidavit filed over the weekend that in accordance with the law and environmental regulations, extreme precautions are taken that would prevent the asbestos from endangering students or staff members at a school.

The boiler room, in school basements, is sealed off with a special fabric, approved by the Environmental Protection Agency, that does not allow air and asbestos to penetrate, said Narase Bob Oudit, senior project manager for the school system. An EPA-certified company monitors the air outside the area and is required to shut down the project if any asbestos is detected.

Oudit said he had monitored similar projects for 11 years and had never seen a case in which asbestos leaked out if the correct precautions were taken. Nor was any asbestos reported in the air during recent boiler work in the schools. If removal is done improperly, he said, the contractor can lose its license and be fined as much as \$1 million. Asbestos work at one of the closed schools, Young Elementary in Northeast Washington, doesn't involve a boiler. The heating-system work there is part of a five-month-old project with the EPA designed to improve the school's energy efficiency, school officials say.

The asbestos removal at Tyler in Southeast Washington should be completed today, an aide to Williams said.

At Whittier yesterday, Glass handed out fliers to parents urging them to call Becton and Parents United, the group that filed the lawsuit, to demand a negotiated solution. Settlement talks began in earnest two weeks ago but faltered this weekend over how much money should be earmarked for school repairs and who should monitor the agreement.

At Emery yesterday, the breakfasts usually served before school were not available, and the after-school day-care program was canceled. The youngest children, Head Start through third grade, were bused about 12 blocks across North Capitol Street to Scott Montgomery Elementary School.

Fourth-, fifth- and sixth-graders were taken around the corner to Metropolitan Wesley AME Church, where by 9:30 a.m. they sat clustered with their teachers in a large open space usually used for Sunday school. Children wrote stories with paper and pencil supplied by the church or bought by individual teachers.

"We're doing the best we can under very, very trying circumstances," said Leonard Sanders, Emery's principal. A little girl raised her hand to ask when they would return to their school.

"I do not know," Sanders said slowly. "As soon as I find out, I will let you know."

Mr. JEFFORDS. I yield the floor.

The PRESIDING OFFICER. The distinguished senior Senator from the State of Mississippi.

#### CORRECTING A TECHNICAL ERROR IN THE ENROLLMENT OF H.R. 2160

Mr. COCHRAN. At the direction of the majority leader, I ask unanimous

consent the Senate proceed to the consideration of House Concurrent Resolution 167.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 167) to correct a technical error in the enrollment of H.R. 2160.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COCHRAN. Mr. President, this concurrent resolution was adopted by the House with the passage of the rule for the consideration of the conference report to accompany H.R. 2160, the Fiscal Year 1998 Agriculture, Rural Development, and Related Agencies Appropriations Act.

It makes a technical correction in the conference report. Specifically, it inserts a proviso in the food stamp account language which was included in the House bill and agreed to by the conference committee but inadvertently left out of the conference report which was filed.

The PRESIDING OFFICER. Without objection, the concurrent resolution is agreed to.

The concurrent resolution (H. Con. Res. 167) was agreed to.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

Mr. COCHRAN. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate, to the bill (H.R. 2160) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 17, 1997.)

Mr. COCHRAN. Mr. President, I ask unanimous consent that there be 20 minutes of debate equally divided between the chairman and ranking member, and following the expiration or yielding back of time, the conference report be considered agreed to and the