

wanted to deny tenure to the junior high school 275 principal, Priscilla Williams. I think we ought to applaud those parents for coming together and becoming involved and speaking out, as well as the local school board.

Instead of listening to the parents, instead of listening to the school board, the local superintendent granted permanent tenure to principal Williams. While those scores were plummeting, the school's principal was rewarded with a lifetime guarantee, a lifetime job. So instead of correcting the situation and bringing in a principal who would turn that around, we now have children being held captive. That means these children will continue to suffer, and the school's leaders cannot be held accountable. The scene is repeated throughout the system, unfortunately.

Let's take a look at another district, Brooklyn's district 23. The school board pleaded—pleaded, and these are the elected representatives—to block tenure for five principals at failing elementary and junior high schools. What is their motivation? Their motivation is to give their kids a better educational opportunity. Mr. President, sadly, all five were granted tenure anyway. So what does that mean? That means thousands of children are going to be trapped in a system that is failing them.

Parents know that the tenure system rewards failures. Why don't we listen to these parents who are crying out for reform, who are crying out to give their children a better education? They know that the business-as-usual tenure system is hurting their children. Instead of granting tenure to Principal Williams at junior high school 275 where the reading scores are dropping like a rock, she should have been fired, replaced, and they should have brought in somebody who had the educational experience and the ability to raise those scores.

As tragic as the failing levels are at junior high school 275, there is something more devastating that took place more recently at another school. Again, these are real children involved. This was a school in the Bronx, PS 44, where two 9-year-old girls were brutally sexually assaulted by four boys—9-year-old children at school. The girls reported this incredibly horrendous assault to their teacher. The teacher, in turn, reported it to the school principal, Anthony Padilla. Now, what did Mr. Padilla do? Did he call the police when a teacher reports an assault on two 9-year-old children? No. Did he take any steps to assist the victim, to contact the parents? No. But he did send a letter. He sent a letter to the parents which stated, "No inappropriate behavior took place." Imagine that—doesn't call the authorities but sends a letter to the parents saying, "No inappropriate behavior took place."

Well, the police did investigate the case. Juveniles have been arrested and

charged with this horrendous act. But what was done with or to the principal as a result of his failure to confront and deal with this situation in an orderly manner, a brutal attack against two 9-year-old girls? I'll tell you what happened—he was reassigned to a different administrative position within the district.

Now, let me point out something else. Padilla didn't even have tenure. He has previously been denied tenure. Why is he being protected? Why is he being kept in such a position of such responsibility where the lives of hundreds of youngsters are under his control? You have a system that protected him when he should have been fired. It is another example of a system supporting administrators and principals instead of parents and children.

Now, Mr. President, parents know that a principal who doesn't respond to violence within a school should be fired and not just reassigned. He should have been fired. But he is reassigned. Why? Because we have a system that is more interested in protecting the rights and the perks and the privileges and has become a hiring hall. It is an employment center, as opposed to being a center of learning, of knowledge. Something is seriously wrong when they are more concerned with the perks and privileges of the union members, regardless of how they are performing.

Mr. President, let's set the record straight. I believe the vast number of our teachers are good, are dedicated, are great professionals. We should reward them and we should pay them for that and we should recognize that. But the incompetent who are receiving lifetime job security are eroding this system both at the administrative level and, yes, in the classrooms. Something is seriously wrong when parents try to get involved in their children's education—in the examples I pointed out to you, where the school boards are begging for changes—and the system refuses to respond to them.

That is exactly what has happened when school principals are granted lifetime tenure over the objections of parents and in spite of the record of the failing schools. The tenure system has kept some principals in schools for 25 years while the academic performance has continually declined. That is wrong and has to be stopped.

I want to congratulate the parents for getting involved in their children's education. Nothing is more important. We have an obligation to reform our educational system. We have to get rid of today's system that ignores parents and rewards failing principals with lifetime tenure and replace it with a new system, a system that listens to parents and rewards their involvement and thinks about the education of the children first, not the perks and privileges of those who work in the system.

I yield the floor, and I thank my colleagues for granting me this additional time.

Mr. DORGAN. I ask unanimous consent to proceed for 10 minutes in morning business.

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

#### FAST TRACK

Mr. DORGAN. Mr. President, a few moments ago the majority leader came to the floor and filed a cloture motion on what is called the motion to proceed to the fast-track trade authority legislation that we will consider beginning next week in the U.S. Senate. I want to make comment about that, on the issue of fast-track authority.

It seems to me it does not serve well the interests of this country to try to fit into a small crevice, at the end of the first session of this Congress with only days left, a debate about international trade.

What is our situation in trade in this country? Well, it is not a very pretty picture. We have the largest trade deficit in the history of this country right now. We have huge and growing trade deficits with Japan. This year, it is expected to total between \$60 billion to \$65 billion. We have a mushrooming trade deficit with China, this year expected to reach close to \$50 billion. We have an ongoing trade deficit with Mexico and Canada. We have a flood of subsidized goods coming into our country that I am convinced violates the antidumping laws of this country, undercutting our producers and undercutting our farmers. Yet, nothing is done about it.

We are not winning in world trade. First of all, I think we are losing because our trade agreements have been negotiated largely as foreign policy instruments. Secondly, the trade agreements that do exist, which could be beneficial to this country, are not enforced. You can point to trade agreement after trade agreement with Japan, for example, and discover that no matter what the agreement is, it is not complied with by the Japanese and not enforced by the United States.

The reason I take the time to mention this today is that we face very significant trade problems in this country. We have a daunting, growing trade deficit which has contributed now in the aggregate to about \$2 trillion in our current accounts deficit. This deficit will be and must be repaid at some point in the future with a lower standard of living in this country.

This is the other deficit. We have spent many months and many years talking about the budget deficit, and have wrestled that budget deficit to the ground. But this other deficit, the trade deficit, is growing. Nobody seems to care about that.

The request comes now to Congress for fast track from the President saying: Let us go out and negotiate new trade agreements. I say let's solve the trade problems that exist from the old trade agreements before we rush off to make new trade agreements.

In recent years, we made a free trade agreement with Canada. What happened? A flood of Canadian grain has come down our back door, undercutting our farmers. This is costing North Dakota alone, according to a recent North Dakota State University study, \$220 million a year in lost revenue. This grain is coming from a state trading enterprise in Canada that would be illegal in this country.

We had a trade agreement with Mexico. Prior to that, we had a \$2 billion trade surplus with Mexico. Now it is apparently a \$16 billion trade deficit with Mexico. We now import more automobiles from Mexico to the United States than we export to all of the rest of the world. A recent study by the Economic Policy Institute says that we have lost 395,000 jobs in America as a result of the trade agreement with Mexico and Canada called NAFTA. This trade of ours is not moving in the right direction. It is moving in the wrong direction.

We should have a debate about trade policy, but it ought not be a debate that is tried to be fit into a narrow crevasse at the end of this session. I will bet as I stand here today that we will see the majority leader come to the floor in the days ahead trying to restrict amendments, limit amendments and debate, and shortchange the American people on the opportunity to have a full, thorough, and thoughtful debate about this country's trade policy. Just as sure as I am standing here, I know in a matter of 1, 2, 3, or 4 days, we will hear them on the floor saying, "We don't want amendments. We can't have you taking up that much time."

In fact, when the fast-track trade authority bill was passed out of the Senate Finance Committee, I am told it was done in 2 minutes. No amendments. Just minutes, no amendments, no debate. That is not the way this body ought to deal with the important subject of international trade. This is a critically important question to the economic health of this country. It is a question of who will have the jobs in the future, which economies will grow in the future, and who will have opportunity in the years ahead?

I hope that, as we head toward next week and begin discussing this, we can prevail upon the majority leader and others to understand that this must be a full debate. I have plenty of amendments I want to offer. I know other colleagues have some, and I expect and hope we will have that opportunity in the coming week.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. BYRD. The Senator has indicated that the administration wants to go out and negotiate additional agreements. What is to keep them from it? They have that authority now. They can go out and negotiate. They are negotiating now. There is nothing here that anybody is doing to keep the ad-

ministration from negotiating additional agreements, is there?

Mr. DORGAN. The Senator is absolutely correct. This administration says they have negotiated nearly 200 trade agreements in the last 5 years—200 of them. Well, why didn't they need fast track to do that? Because those agreements were mostly bilateral trade agreements in which they weren't trying to change underlying U.S. law. Fast track gives them the opportunity to go out someplace with some negotiators and close the door, have a negotiation outside the purview of the public and propose changing underlying U.S. law. Then fast track says when you come back here to the U.S. Senate, nobody, no Member of this body, has an opportunity to have a voice in changing that agreement that was made behind closed doors.

Mr. BYRD. So the fast track has to do with the operations here within the Senate and the House.

Mr. DORGAN. The Senator is absolutely correct about that.

Mr. BYRD. The administration has the authority right now to negotiate additional agreements and is negotiating additional agreements.

Mr. DORGAN. That's correct. The administration talks about an agreement with Chile. Go negotiate an agreement with Chile. Get an airplane ticket for 1 o'clock. You can do that. Nothing prevents a negotiation on trade with Chile—not this fast-track authority or lack of it. You can negotiate a trade agreement with Chile if you want to.

But, if you want to change underlying law, you have to bring it back to the Congress and get the permission of Congress to do that. The Senator makes an important point. There is nothing that prevents trade negotiations from occurring without fast-track authority. In fact, the administration says it has now completed over 200 trade agreements in the last 5 years.

Mr. BYRD. The fast track means that the Senate and the House are supposed to bind and gag themselves and not talk and not offer amendments, is that correct?

Mr. DORGAN. That is the procedure. That is correct.

Mr. BYRD. No amendments in this body. That is not what the Constitution says. The Constitution says that the Senate may offer amendments to revenue bills, as on other bills, as on other legislation. So that is where the fast track comes in.

Do we want to bind and gag ourselves and not be able to speak for our constituents and speak for our country? Do we want to illuminate the listening public as to what is really going on here? Is that what we are talking about? Fast track means we will hear nothing, say nothing, see nothing, right? We will offer no amendments. We can't do that on behalf of our constituents in the next 5 years; is that right? Am I right?

Mr. DORGAN. Yes, the Senator is exactly right. Fast-track authority

means that the Congress says to a President, you negotiate a trade treaty or agreement, bring it back to the Congress, and we agree to restrict ourselves to be unable to offer any changes or any amendments of any kind. That is what the Congress is doing.

Mr. BYRD. Right.

Mr. DORGAN. To give you an example of that, they negotiated a trade agreement with Canada under fast track. I was then serving in the other body on the House Ways and Means Committee, which has 35 votes. They brought that trade agreement to the Ways and Means Committee. The vote was 34-1 to approve it. I was the only one to vote to disapprove it. We weren't able to offer any amendments. It went to the floor of the House, and I led the opposition to it. I lost by 20 or 30 votes. No amendments.

Now, what happened in the last 4 or 5 years with Canada? The deficit has doubled. We have a flood of this unfairly subsidized grain coming in, undercutting our producers. Everybody understands it is unfair trade, and you can't do a thing about it. We have folks that crow about it from time to time, but they don't lift a finger to do anything about it.

That is what is wrong with these kinds of procedures. We should have been able to amend that treaty to make sure that if a trade agreement with Canada is contemplated, we have the ability to solve a problem if a problem exists. But they have pulled all the teeth now, so there are no teeth in this ability to reconcile and deal with problems. Now we have these trade agreements where the deficits keep ratcheting up. We have unfair competition for our producers, and jobs are leaving our country. As I said 395,000 jobs left our country to Mexico and Canada. It doesn't make any sense for us to tie our hands in this way.

Mr. BYRD. In a manner, this is just a continuation of the siphoning off of the legislative powers, as we saw in the Line-Item Veto Act. It was siphoned away. As a matter of fact, we just gave legislative power to the President. Aside from that subject, that is what is being done here. We are being asked to give up the people's power under the Constitution to legislate, to amend, and to debate. In other words, we are just to buy a pig in a poke and are not even supposed to look inside the poke—just rubberstamp whatever the administration sends up here.

Mr. DORGAN. But we know there is a pig in the poke.

Mr. BYRD. There is something in the poke; I am not sure what is in the poke. But I am not willing to bind and gag myself. I will be forced to do that, of course; they will do that, but we will be kicking and screaming.

This administration wants more and more power, and other administrations have been the same. They have all been the same in wanting this fast track. But I compliment the Senator. I salute him for leading this fight. I am opposed

to fast track, and I will be there when the roll is called. I thank the Senator.

I ask unanimous consent that the time I have taken of the Senator's 10 minutes not be charged against the Senator.

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

Mr. DORGAN. Mr. President, the Senator from West Virginia has long been concerned and interested in international trade. I very much value and appreciate his support. It is not the case that the Senator from West Virginia, myself, and others, who believe that fast track is inappropriate and our trade strategy has not worked believe we should put walls around our country or restrict international trade. I think we ought to expand it.

I say this to those folks who talk about fast track: If you want to be fast about something, do something fast, put on your Speedo trunks and do something quickly, and start to quickly solve the trade problems we have. I can cite a dozen of them that undercut American jobs and American producers, workers, and farmers. If you want to be fast about something, let's be fast about starting to solve a few of these problems.

Just demonstrate that you can solve one; it doesn't have to be all of them. Demonstrate that this country has the nerve and will to stand up and say to other countries: If our market is open to you, then your market has to be open to us. We pledge to you that we will be involved in fair trade with you. We demand and insist that you be involved with fair trade practices with us. If not, this country has the will and the nerve to take action.

That is all I ask. If you want to be fast, don't come around here with fast track, come around with fast action to solve trade problems. Show me that you can solve one of them just once. Then let's talk about trade once again.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 1357 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

#### RESTRUCTURING THE INTERNAL REVENUE SERVICE

Mr. KERREY. Mr. President, I was very encouraged to read in this morning's newspaper the majority leader's comments about the agenda for the rest of the session. An agreement has been reached on bringing up campaign finance reform next year.

On the list of things that the majority leader had was taking action to restructure the Internal Revenue Service. It was a very controversial debate over one proposal that Congressman PORTMAN, Senator GRASSLEY, Con-

gressman CARDIN, and I introduced a couple of months ago dealing with a proposed public board of directors. A lot of attention was paid to that. Unfortunately, in the process of paying attention to that, we lost sight and a lot of people lost sight of some of the other things that we are going to legislate on that are terribly important.

I was pleased to see, since the House has passed it, that the majority leader indicated that is one of the things he is going to try to get done sometime during the rest of the year. There is broad consensus on some of the things which we know will improve the operational efficiency of the Internal Revenue Service.

Chairman ROTH's Finance Committee had 3 days of hearings on a separate set of issues dealing with privacy, dealing with the power of the Internal Revenue Service to demand action on the part of taxpayers.

These are very important issues, and the chairman has indicated his desire to take up next year the consideration of those issues. I have great respect for Chairman ROTH and his desire to bring attention to the Internal Revenue Service. His intent and his sincerity lead to, I believe, the citizens of the United States seeing that change is needed. However, I believe action is needed yet this year in order to give the new IRS Commissioner, Mr. Rossotti, the authority he needs to be able to manage this agency.

One of the things we found in our restructuring commission when we began in 1995 was that the General Accounting Office disclosed that nearly \$4 billion worth of modernization and purchase of computers and software had not produced the desired result and had essentially been wasted. We began our effort in 1995. We held hearings in 1996 and 1997—12 public hearings, thousands of interviews with current employees and taxpayers and professionals that help and assist taxpayers.

We reached our decision in our restructuring commission that the current law was unacceptable, that it would not allow us to go from where we are today to where citizens need to have us go.

Today, 85 percent of Americans voluntarily comply with the Tax Code. That is down from 95 percent 30 years ago. The real test is what does the tax-paying citizen think of the existing system? Their confidence is deteriorating rapidly, and it is deteriorating as a consequence of the law. The law makes it impossible for the Commissioner to manage that agency the way we all want the Commissioner to be able to manage the agency.

We proposed legislation. The legislation has now been passed by the House and has the full support of the President. The President is now calling upon us to take action. As I said, I am hopeful that the majority leader's comments in this morning's paper are an indication that there is still a chance that we can get this done.

We found in our commission deliberations a number of problems that are addressed in this legislation.

First, as I said, the Commissioner can't manage the agency. He can't make decisions to fire. He can't make decisions to reward based upon performance. He can't make decisions to reorganize. He can't make decisions to run the Agency. The law doesn't allow it. You can get whoever you want to come in—and I think the President has found an exceptional individual from the private sector who understands technology and who understands how to manage an organization—but the law does not give Mr. Rossotti the authority that Mr. Rossotti is going to need to manage the Agency.

We also found that there is inconsistent oversight both from the executive branch and from the legislative branch. So we propose not only a public board of citizens that would have responsibility for developing a strategic plan, but we also propose to create twice a year a joint hearing of appropriations and authorizers and government operations people to give not just the oversight but give us an opportunity to achieve consensus on what the strategic plan is going to be. Twice a year that would be required in order to achieve consensus and, most importantly, achieve consensus for the purpose of being able to make the right investments in technology, being able to sustain the effort over a period of time to do the improvement of operations that are necessary.

It is very difficult to operate the IRS with 200 million tax returns a year. We are heading into the filing season right now. It is an unimaginable problem to try to manage this Agency and satisfy all of the various demands and answer all of the various questions that tax-paying customers have as well as being able to go out and enforce the law against a relatively small percentage of people who are not willing to voluntarily comply with the law; not to mention as well the difficult challenge of adjusting the software and rewriting software for the millennium problem that needs to be solved in the next 18 months in order to be prepared on December 1, 1999, for what will occur, which is the computers will no longer recognize 99 as being 1999—a very big problem for a small agency, and an enormous problem for an agency like the IRS that will be in the middle of a filing season, if their computers go down and they are unable to recognize that number.

So there is an urgency to get this law changed so that this Commissioner can have the authority to manage, the authority that is needed so the Commissioner has the kind of oversight that is needed, and in order to have any chance at all of being able to manage this Agency, to reduce the current problems and avoid future problems as well.

The legislation provides incentives for electronic filing. We found in our