

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 Harge 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, offi-

cial 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