

Doug Swingley began mushing in 1989 with plans of running the Iditarod. He ran his first Iditarod in 1992 and was the top-placing rookie that year. He has competed in every Iditarod race since 1992 and won the event for the first time in only his third attempt. I am sure that Doug's second victory will disappoint my good friends Senators STEVENS and MURKOWSKI, because Doug is the only non-Alaskan to win the Iditarod. He has proven that a kid from Montana can take on our friends from the North and beat them at their own game and win.

Like his first victory, Doug pulled his team away from the competition, and showed incredible speed through the final stages of this demanding race. I am impressed by his dedication and hard work, and I am proud to know that Montana is full of people like Doug. ●

#### EDUCATION FLEXIBILITY PARTNERSHIP ACT

● Mr. FRIST. Mr. President, as the primary sponsor of S. 280, the Education Flexibility Partnership Act (Ed-Flex), I am pleased that the Senate passed this legislation by a 98 to 1 margin on March 11, 1999. In addition, the House of Representatives passed the companion bill on the same day by a vote of 330 to 90. This bicameral, bipartisan support for Ed-Flex is a positive first step for education reform in the 106th Congress.

This first step in education reform is desperately needed. Critics of our education system note that the federal government provides only seven percent of funds in education, but requires 50 percent of the paperwork. In addition, more often than not, well-intentioned federal programs come with stringent regulations and directives which tie the hands of school officials and teachers. As the Chairman of the Senate Budget Committee's Task Force on Education, I have heard the pleas from states and localities for greater flexibility in administering federal programs in exchange for increased accountability. This theme has been echoed as I travel around Tennessee visiting schools and holding education roundtable discussions for teachers, principals, superintendents, parents, school board officials, and other interested members of the community.

The First Ed-Flex bill passed by Congress will provide greater flexibility coupled with increased accountability for our nation's schools. Specifically, this bill will allow every state the option to participate in the enormously popular Ed-Flex demonstration program already in place in twelve states. The twelve state currently participating in the program are: Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Michigan, New Mexico, Ohio, Oregon, Texas, and Vermont.

Ed-Flex frees responsible states from the burden of unnecessary, time-con-

suming federal regulations, so long as states are complying with certain core federal principles, such as civil rights, and so long as states are making progress toward improving their students' performance. Under the Ed-Flex program, the Department of Education delegates to the states its power to grant individual school districts temporary waivers from certain federal requirements that interfere with state and local efforts to improve education. To be eligible, a state must waive its own regulations on schools. It must also hold schools accountable for results by setting academic standards and measuring student performance. Using this accountability system, states are required to monitor the performance of local education agencies and schools that have received waivers, including the performance of students affected by these waivers. At any time, either the state or the Secretary of Education can terminate a waiver.

The twelve states that currently participate in Ed-Flex have used this flexibility to allow school districts innovate and better use federal resources to improve students outcomes. For instance, the Phelps Luck Elementary School in Howard County, Maryland used its waiver to provide one-on-one tutoring for reading students who have the greatest need in grade 1-5. They also used their waiver to lower the average student/teacher ratio in mathematics and reading from 25/1 to 12/1.

A Texas statewide waiver to allow more flexible use of Federal teacher training funds has allowed districts to better direct professional development dollars to those areas where they are needed most. In Massachusetts, a school that had been eligible for Title I funding in the past was ineligible for the 1997-98 school year, but was expected to be eligible again for 1998-99. Massachusetts was able to use Ed-Flex waiver authority to give the school a one-year waiver and assure continuity of service rather than disrupt services for a year.

Support for Ed-Flex is broad. The President has called for Ed-Flex expansion, as well as others including the Secretary of Education, the National Governors' Association, the Democratic Governors' Association, the U.S. Chamber of Commerce, the National Education Association, and the National School Boards Association.

Ed-Flex is a move in the right direction. We must empower States and localities by giving them the flexibility they need to best combine Federal resources with State and local reform efforts. I am pleased that the 106th Congress has acted quickly on my bill to ensure that every State will have the opportunity to participate in this successful program. Ed-Flex is a commonsense, bipartisan plan that will give States and localities the flexibility that they need while holding them accountable for producing results.

Now, the challenge for this Congress is to build on Ed-Flex's themes: flexi-

bility and accountability. As we consider the Reauthorization of the Elementary and Secondary Education Act later this year, we must continue the push to cut red tape and remove overly-prescriptive Federal mandates on Federal education funding. At the same time, we must hold States and local schools accountable for increasing student achievement. Flexibility, combined with accountability, must be our objective. The end result of our reform effort must spark innovation—innovation designed to provide all students a world-class education. ●

#### TRADE FAIRNESS ACT OF 1999

● Mr. ABRAHAM. Mr. President, I rise to cosponsor S. 261, the Trade Fairness Act of 1999. I believe this legislation is crucial to our attempts to save American jobs from unfair competition and dumping.

Specifically, Mr. President, we must implement this legislation to protect our steelworkers from imports dumped into our domestic markets by our Russian, Asian and Brazilian competitors.

American steelworkers have proven that they are our nation's backbone. They provide the materials on which our shipping, manufacturing, indeed our entire industrial base rely. In my state's Upper Peninsula two mines, the Tilden and the Empire, employ almost 2,000 Michiganians. Last year the workers in these mines produced over 15 million tons of iron ore pellets. They paid \$8 million in taxes. Time and again they have stood up for America, and it is time for America to stand up for them.

We must stand up for these hard working men and women, Mr. President, because they face a very real threat to their livelihoods. Let me cite a few numbers. By October of last year Japan had already doubled its imports to the United States from the year before. Just in that month of October, Japan sent 882,000 tons of steel to the United States, an all-time record. Finally, in that month alone 4.1 million net tons of steel were imported to the United States.

The reasons for this steep increase in imports are threefold. First, the Federal Reserve's longstanding tight money policy produced actual deflation in commodity prices, deflation from which our steel industry has yet to recover. Second, the Asian, Russian and Brazilian economic crises are forcing those countries to rely on exports to keep their economies afloat. The U.S. is the world's biggest market, and so they have targeted us. Third, the International Monetary Fund convinced these countries to raise interest rates and devalue currencies, which allowed their steel to undercut our prices.

Combined, these factors have encouraged the unfair trade practice of dumping, selling steel in the United States at prices below the cost of production. This practice threatens disastrous consequences for our steelworkers and for

our economy. Already, Mr. President, 10,000 workers have been laid off, with more than twice that many put on reduced hours.

We cannot stand by while American workers lose their jobs. We cannot abide the unfair trade practice of dumping. We have worked hard—these men and women have worked hard—to build a prosperous America. We cannot sacrifice them to pay for bureaucrats' mistakes, be they in Washington, Tokyo, or Moscow.

Mr. President, I have never made a secret of my strong, free-trade views. But free trade must also be fair trade. Our laws already recognize this principle. After all, we already have trade laws on the books intended to deal with these kinds of issues. It is time to enforce them. In addition, however, I believe the fact that these trade laws are not being enforced shows the need for reform.

That is why I am cosponsoring the Trade Fairness Act. This legislation will lower the threshold for establishing injury to our industries so that we may more effectively protect them from unfair trade practices.

Under this law imports that have a causal link to substantial injury in an industry will trigger action. Substantial injury will be determined by the International Trade Commission, considering "the rate and amount of the increase in imports of the product concerned in absolute and relative terms; the share of the domestic market taken by increased imports; changes in the levels of sales, production, productivity, capacity utilization, profits and losses, and employment."

In addition, this legislation establishes a comprehensive steel import permit and monitoring program modeled on similar systems in Canada and Mexico. The program would require importers to provide information regarding country of origin, quantity, value, and Harmonized Traffic Schedule number. The legislation also requires the Administration to release the data collected to the public in aggregate form on an expedited basis.

The information provided by the licensing program will allow the Commerce Department and the steel industry to monitor the influx of steel imports into the U.S. Presently, it is very difficult to obtain timely information regarding the volume of steel that enters the country. It usually takes 2-3 months before specific figures can be obtained. This makes it very difficult to gauge the extent of the problem when the damage is occurring.

Mr. President, this legislation provides us with the tools we need to protect working Americans from unfair foreign competition. It will prevent undue hardship while upholding the standards of free, fair and open trade.

I urge my colleagues to support this important legislation.●

AUTHORIZING LEGAL REPRESENTATION IN DIRK S. DIXON, ET AL. VERSUS BRUCE PEARSON, ET AL.

AUTHORIZING LEGAL REPRESENTATION IN UNITED STATES VERSUS YAH LIN "CHARLIE" TRIE

AUTHORIZING REPRESENTATION OF SECRETARY OF THE SENATE IN BOB SCHAFFER, ET AL. VERSUS WILLIAM JEFFERSON CLINTON, ET AL.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the immediate consideration of 3 legal counsel resolutions which are at the desk and numbered as follows: S. Res. 65, S. Res. 66, and S. Res. 67.

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

The Senate proceeded to consider the resolutions.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and statements of explanation appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 65) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 65

Whereas, in the case of *Dirk S. Dixon, et al. v. Bruce Pearson, et al.*, Civil No. 97-998 (Cass Cty., N.D.) pending in North Dakota state court, testimony has been requested from Kevin Carvell and Judy Steffes, employees of Senator Byron L. Dorgan;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288(a) and 288(a)(2), the Senate may direct its counsel to represent Senators and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Kevin Carvell, Judy Steffes, and any other former or current Senate employee from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Dirk S. Dixon, et al. v. Bruce Pearson, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Byron L. Dorgan, Kevin Carvell, Judy Steffes, and any other Member or employee of the Senate from

whom testimony or document production may be required in connection with the case of *Dirk S. Dixon, et al. v. Bruce Pearson, et al.*

Mr. LOTT. Mr. President, S. Res. 65 concerns a request for testimony in a civil action pending in North Dakota state court. The plaintiffs in this case claim that defendant Pearson defrauded them into paying him money in return for promises to alleviate plaintiff's tax liability on an investment. In particular, plaintiffs claim that defendant Pearson misrepresented the frequency and nature of his contacts with two members of Senator DORGAN's staff. Counsel for the plaintiffs wish to depose the two staff members to test the accuracy of the defendant's representations about their meetings. Senator DORGAN has approved testimony and, if necessary, production of relevant documents by his staff in connection with this action.

This resolution would permit these two members of Senator DORGAN's staff, or any other current or former employees of the Senate, to testify and produce documents for use in this case.

The resolution (S. Res. 66) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 66

Whereas, in the case of *United States v. Yah Lin "Charlie" Trie*, Criminal No. LR-CR-98-239, pending in the United States District Court for the Eastern District of Arkansas, documentary and testimonial evidence are being sought from the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the chairman and ranking minority member of the Committee on Governmental Affairs, acting jointly, are authorized to produce records of the Committee, and present and former employees of the Committee from whom testimony is required are authorized to testify, in the case of *United States v. Yah Lin "Charlie" Trie*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent present and former employees of the Senate in connection with the testimony authorized in section one.

Mr. LOTT. Mr. President, S. Res. 66 concerns a request for testimony in a criminal trial brought on behalf of the United States against Yah Lin "Charlie" Trie, in the United States District Court for the Eastern District of Arkansas. Mr. Trie, who was one of the