

will pass. Again, there is not enough zing in it, from my point of view, but I think it would represent a step forward. I mean, the provisions in the McCain-Feingold extra mild would be a step forward. It would be a reform effort. It would build some more accountability into the system. It would lessen some of the money that was spent, and I think it would give people some confidence that we are serious in this Congress about trying to change this system, this mix of money and politics, which so severely undercuts democracy.

Now, a final point, if I have 2 minutes left. There is a whole lot of energy around the country at the State level. I mean, Vermont just passed a clean money election option. Maine passed it. I know that Massachusetts is going to deal with this question. This is an effort that I love. I have introduced a bill with Senators KERRY, BIDEN, and GLENN which basically says we are going to get all of the private money out, the big dollars out, and I think ultimately this is the direction we have to go in. I will tell you something. People around the country at the State level are saying yes to that.

So, colleagues, people are serious about reform. This is one of those moments in time. As the Senator from Minnesota, I am very discouraged that we are not out here debating this. Let's finish this appropriations bill that my colleagues from North Carolina and California are managing, the D.C. appropriations bill, and let's have the debate on campaign finance reform. Let's not have amendments out here that are nothing less than an effort to destroy this reform effort. Let's debate the stripped-down McCain-Feingold measure and get on and pass the reform bill.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. FAIRCLOTH. Mr. President, I yield to the Senator from Vermont 40 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 40 minutes.

Mr. JEFFORDS. Mr. President, I don't anticipate taking very long. I want to raise a very important issue relative to the District of Columbia. First of all, I want to commend the subcommittee chairman. I served just ahead of him in that capacity. I know of the tremendous responsibility he has, and I have admired the way he has been handling his job. I have also admired the way they have put the bill together this year to help the city of Washington.

But there are problems that are really beyond the possibility of the subcommittee to correct. These are what I want to discuss today. First of all, let

us remember what the important issues facing this Nation are and reflect and look at the District of Columbia with respect to those. The District of Columbia, as we all know, is the Nation's Capital. But I think sometimes we Members have a tendency to forget that we are responsible now for the city of Washington. We, in 1974, turned the city over to home rule. As that experience turned out to be rife with difficulty for the residents of D.C., Congress made efforts to become more vigorously involved with the city's governance. By getting more directly involved, particularly with regard to the education system, we therefore made ourselves, the Members of this body and the House, directly responsible to the people of the District of Columbia. And furthermore, we became more directly responsible to the people of the Nation overall that we would have to do what is necessary to make this Capital a capital we can all be proud of.

Can you be proud of the United States Capital when the top issue in this Nation right now is education and here in Washington we continue to have some of the lowest educational scores and standards in the country? We are doing our jobs as leaders in a major metropolitan area; how can we turn this city into a model for the Nation to show how we can take the cities and help them become educational enterprises that are functioning well and that are delivering our young people into society with the skills they need to be able to make this Nation strong?

This is a national problem of the highest priority. But let us take a look at the District of Columbia and where we stand as far as what we are doing for it and the distance that we have to go. As I said, I had the job that the Senator from North Carolina has, the chairmanship of the subcommittee, and I took that responsibility very, very seriously. Working with Congressman GUNDERSON on the other side, we developed an educational program for the city. We worked long and hard at it. We got it approved, and it is in law. It sets out the goals and methodology and the means for us to take this city and turn it from the worst—and I will explain that later—in educational results of any city in this country.

Second—and I will talk about that even more quickly—we also have about the worst infrastructure of any school system in this country—the worst. So if we are going to make real progress in turning this education system around we have a long way to go.

We set the framework a couple years ago when we took over the city. We created, first, the Control Board, which now has more of the mayoral responsibilities, or is more analogous to a board of aldermen. They then created a school board to take a look and see what they could do to take this city and to change it into a city that we could be proud of.

We have all recently noted that the schools didn't open on time. Children

were ready to come in, but the roofs were leaking, books had not been delivered. What happened? We had an amount of money for emergency repairs that had been appropriated—but that money, about \$86 million came from the remainder of existing funds, and other one-time piece meal funding, not through a dedicated, sustainable revenue stream. It will just not be the right way to go to meet the needs we have, particularly with regard to infrastructure.

Take a look at this chart. You can see that if this situation is not the worst in the Nation, it is pretty close.

Look at these statistics from a General Services Administration study, which I will make a part of the RECORD, which goes through these infrastructure categories item-by-item to show where this city is.

Exterior walls: The national average for having problems is 27 percent. We have 72 percent of our exterior walls and windows which are bad and not meeting codes.

Next one: Roofs. This probably has improved a little since we spent \$70 million fixing roofs this fall. But a year ago, only 27 percent of the schools in this country had poor roofs—but in the District we had 60-some percent of the roofs that were not meeting code. This does not mean they are beautiful; they just do not meet the code and safety violations.

Heating and ventilation, and air conditioning: The national average, 36 percent below code; Washington D.C., 66 percent.

Plumbing: Sixty-five percent of the plumbing doesn't meet code in D.C.'s schools—65 percent.

Electrical and lighting: Fifty-three percent of the District's school's are in code violations in this category.

Life safety codes: Fifty-one percent of our schools are in violation of life safety codes. Would you trust your own children to that? I think not.

Power for technology: This is where we are doing the best, fortunately. But, still, 41 percent of the schools don't have power to utilize technology.

I am talking here about the Nation's Capital, the city that we would like to point to to show as an example of how a school system should be run.

Keep that in mind.

Let's take a look at this next chart to see what is going to happen.

For 3 years in a row we have had the schools not opened on time because of violations. Well, this is according to the GSA. The amount of repairs, cost of repairs to meet code, plus some other essential repair: \$2 billion—that is with a "b"—2 billion dollars' worth of repairs that are necessary in order to get our schools in compliance with the safety codes and other codes.

We managed to get \$86 million available this year. That was the high point. We put \$50 million the year before. Divide \$86 million into \$2 billion, and you will see that somewhere between 20, 30, or 40 years from now depending on

what you spend each year, those schools are going to be in code—our Nation's Capital.

That is inexcusable. You tell me how we are going to get \$2 billion to be able to fix those schools. Is this subcommittee going to appropriate \$2 billion? Of course not.

I went from the Appropriations Committee to the Finance Committee, because I knew that was where the action was going to be. There is a lot of money out of there—\$35 billion for education.

So to the Finance Committee, I said, "Hey. We ought to fix these schools." So I had an amendment to get \$1 billion—only one \$1 billion—to get half the job done. I came within one vote of passing that in the Finance Committee. That was one of those meetings in the middle of the night where nobody was quite present. But, anyway, I came within one vote of getting it. I finally got \$50 million. That would have paid part of this year.

We went to conference. And they said, "No. We would much rather create more jobs in the city. We would much rather give things like tax credits for buying new houses, and all of these kinds of things." So I went after the \$50 million. But I did get a commitment from the head of OMB. I will get into that in the later part of the discussion here. But he agreed with me that we ought to do something, and that he would go with me and travel and talk with the Governors of Maryland and Virginia. I intend to do that, and see whether we can work something out. That will get to the solution which I will get to a little later.

Now let's take a look at where we are as far as the achievement of our young people and take a look at this, if you want to get depressed.

This chart shows where the District of Columbia is in red. We put the District of Columbia in red each time where it belongs. And this shows the Northeast average; the national average levels. These are fourth grade students scored at or above basic reading achievement levels. And it was down 6 percent from 1992. We took these from 1994. Twenty-eight percent of the children in the District of Columbia were passing the assessment for reading. In 1993, it went down 6 percent to 22 percent.

If we are going to make the District of Columbia the model for the Nation to follow, we are kind of headed in the wrong direction.

So what are we going to do about that? I will also get to that in a little bit. Right now I think it would be appropriate to go to the next phase where I am going to offer the amendment.

AMENDMENT NO. 1266

(Purpose: To provide for a regional education and work force training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia)

Mr. JEFFORDS. Mr. President, I have an amendment at the desk. I

would especially want to alert my Virginia and Maryland Senators that they don't need to jump out of their chairs and run over to the floor right now because I intend to withdraw it when I am finished. I offer the amendment.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

Mr. JEFFORDS. I ask unanimous consent to set aside temporarily the pending amendment and I will withdraw it so it will be back pending at the time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 1266.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the purpose be read. It is relatively short. The amendment is unfortunately quite long.

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

The clerk will report.

The legislative clerk read as follows:

(Purpose: To provide for a regional education and work force training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia)

Mr. JEFFORDS. I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Mr. President, I thought that last sentence might stir up some anxiety. So I wanted to make sure that I reassured Senators that I would withdraw it.

But I did want to reemphasize that I intend to meet with the OMB director and with the Governors of Maryland and Virginia, and lay out this plan which will help the District. But it will also help the two surrounding States. So hopefully we can get an agreement to go forward with this, if we could, one, raise the \$2 billion to take care of the infrastructure problem; and, two, share 50-50 the ability to create the kind of skilled training that is necessary in this metropolitan area in order to provide skilled workers for the 50,000 jobs that are available in this region which are not being filled at this time.

Before I go on, I want to say that the things which I am saying here and recommending are not things that JIM JEFFORDS decided when he was losing his mind or something, as somebody would think about standing up here and trying to help the District of Columbia. But this book everyone ought to be required to read in the Congress, which is "The Orphaned Capital," and it is by Carol O'Clanahan, at the Brookings Institution.

This was done on behalf of the city to explain the mess we are in, and possible solutions as to how to get out of the mess.

So, again I want to emphasize that what I am trying to do today is to challenge the delegations from Maryland and Virginia, or anybody else, to say show me if you have a better way to come up with \$2 billion so that we are not embarrassed by having our schools shut down. Let me tell you why they will end up shutting down again if we don't come up with something.

There is a group called Parents United. And they are upset with the fact that their kids are going to schools that are unsafe. So each year they go to a judge who is very friendly to them and who likes to make us look stupid. So that judge shuts the schools down each year. And they have about 20 to 40 years to go, depending on how much we put up each year with these code violations.

So they will pick on a number of code violations. The boilers are about to blow in several of the schools. So maybe this winter the Christmas holidays may get extended, if they decide to go and get the boilers fixed, although I hope they will be able to fix the boilers without that.

But anyway, they will each time go, and they will get the court to order the schools to be repaired. But as you say, with \$2 billion to go in doing it with \$50 million to \$80 million a year, it will take a while. I don't want to have to spend the rest of my time here being embarrassed every year about why these schools are not being opened.

So let's take a look at what the positive side of the events are. Let me tell you what we have here, just to give you some credence on what I am saying. Look at this Washington Post editorial the shortage of workers in this regional area for the information technology jobs available.

But, as I mentioned earlier, there is a serious labor market shortage in this area. We have a burgeoning development of technology-based jobs—not only in the information industry but in every sector of our economy. These jobs are available in a location that's nice and convenient to the Capitol. There are 50,000 jobs out there right now that cannot be filled. And these are \$20- \$30- and \$40-an-hour jobs that cannot be filled because the schools, the high schools in this area, even though we have some good ones out in the suburbs, are not graduating people from high school with the capacity they should have to take these jobs. I want to mention this to give you an idea of the dimension of the problem.

If we could fill these jobs, it would increase the revenues in the area available by \$3.5 billion annually. We are talking about an enormous amount. Keep that figure in mind. That is the potential that we could do. Keep also in mind the fact that in this city now two-thirds of the workers are living in the suburbs. That is up by one-half

from several years ago when everybody flooded out of the city.

I will remind you. Why did they flood out? Two reasons: One, crime; and, back and forth between number one and two, the schools. The schools are lousy. I am not going to bring my kids up here. I am taking them to the suburbs.

So now two-thirds of the workers go out. Do you know what they take with them? They take with them \$20 billion a year—\$20 billion a year that goes out to be taxed by Virginia and Maryland. Do you want to know why Virginia and Maryland are going to get upset? Because if I try to take some of that, wow. That is going to be revenue out of their pockets.

That is why I want to emphasize that if we increase the revenues by \$3.5 billion, it will help reduce the impact of removing it. And we are not going to take all of it anyway. How much comes back in from people working out? One percent of that. One percent comes from workers working out of the District—outside the District, coming back into the District. It is a huge disparity.

Another fact that I want to mention—this one is very, very important to remember. Washington, DC, is the only city in America which is in an interstate area where its workers cannot—cannot—be taxed on their wages before they go home. It is the only city in America that is in that situation. All of the cities that are in an interstate situation have taxes on the non-residents. So part of the work revenue stays. The highest I think is 4 percent. The average is around 2 or 3 percent. Just keep that figure in mind because you have a huge amount of money that flows out of the District into Maryland and Virginia, which grab hold of it and throw into their treasury. Everybody would like to be able to do that.

So that is the situation we are in.

Now the question is, How can we make an equitable system, granted that this city is restrained? How are we restrained? Let me tell you how that happened. Back in 1974, when the District of Columbia went to home rule, a very astute Member of the House said, "Hey. Every other city in this country grabs money from the workers." And that Representative was from Virginia, naturally, and offered an amendment which passed that said the District of Columbia is prohibited from taxing workers, nonresident workers. And that is still in the law. So right now, unlike any other city in America in a similar situation, the District of Columbia cannot tax the nonresident income.

Well, it seemed to me that under that circumstance it would be appropriate to take a look to see if we could not just nick it and take some money back to float the bond for the \$2 billion needed for the infrastructure code repairs.

That is what this amendment does. But in addition to that, to be more

wise and also make it more appealing, my amendment will take money from the nonresident workers, the tax money that goes to Annapolis and Richmond, and bring it back into counties of Maryland and Virginia that border the District of Columbia.

So in the final analysis we start out and ease it in, phase it in so that it would have a slow differential in the impact it has on those States starting off with money to repair the schools. That will take about 1 percent. We could phase that in in a couple years. One percent would take care of the bonds to raise \$2 billion. Then, if we can go to 3 percent, split that so that it equals half the money going to the suburbs and half to the District of Columbia—that is including the infrastructure repairs—we can then create what needs to be done, a system to be able to coordinate the schools in these areas to find out where best to have skill training. For instance, I would recommend we take UDC, the University of the District of Columbia, and make it into a skill training center. Give it a new purpose. It could be used for those purposes. And these grants would be given out in cooperation with the Department of Education and the Department of Labor. I did not want to give it to the Federal Government, but that does make it necessary for interstate compacts. So then we could create the system.

Let's take a look back at the Washington Post. What it is talking about is where the jobless could be given jobs. I want to give validity to what I am saying. They are aware of this. The business community is also aware of what I am trying to do and very supportive, and the educators are, of course, too.

I have spoken with the leaders of the exploding high-technology industry from Virginia and Maryland, and they note that the boom has been so dramatic that they're worried about finding enough people to work for them. Then note the plight of the District, where businesses evaporate and unemployment is the highest in the region. The obvious but so far elusive solution: match the District of Columbia jobless with Northern Virginia jobs.

So this is known as an area of need. So what I am recommending with this amendment is that we ought to work together as a region. And this can be done nationally. I would say the Senator from North Carolina, when we discussed this some time ago, pointed out in North Carolina they have developed these things, and the South has been very astute. We in the Northeast and the rest of the country ought to be aware of what they are doing. They are working together in a region. They are inviting businesses to come in. They are creating skill training in order to make sure that they can get the jobs and get the businesses to locate in their States to provide them with what is necessary.

Now, I am hopeful that when the other States look at this they will realize, if we come in and just take a little bit of the money, which any other city

in this country could do that is in this interstate situation, we must make sure we turn this city around and move it in the right direction, first, by fixing up the schools.

Now, certainly I am embarrassed, and I hope all of my colleagues are embarrassed, by the fact that this city has the worst school infrastructure in the country and that such a huge number of our schools are unfit. With \$2 billion, I hope they would take notice and join me in trying to do something about it.

But I also point out that it does not make any difference to me how we do it. I would challenge the Senators from Virginia and Maryland, if they do not like the fact that some of the money may be taken from their State capitals and moved down into their counties near here or some into the District of Columbia, then suggest another alternative. I urge any of my colleagues to figure out how we can raise \$2 billion over the next couple years so that we can get these schools fixed so we do not have to go through the difficult period of time each year of being embarrassed by the District of Columbia school system.

In winding up, I urge that we will get your attention because I think it is easy for us, as so many Members do when I talk to them, to say, "Oh, that's Mayor Marion Barry's problem. He made a mess out of it." That may be true. But that is not the solution. We are responsible. We are the ones who have to come up with a solution, and if we do not do it, then I am sad for the kids in these schools. I am sad for the city, and I am sad for all of us who will be embarrassed, instead of having the Nation's Capital pointed to, as it could be, as a model to follow, and ridiculed and we feel so sorry for those kids.

Now, let me talk a little bit also about other things that can be done to help the city and that are being done. I have lived here now close to 25 years. I have lived right in the District. I have not gone out to the suburbs so I know what's going on here and I have seen it improved; I have seen it getting better; but I feel very responsible for it. And so I hope that we will see as we move forward that we can change this city around. I am hopeful that we will have that responsibility, recognize it and do something about it.

In addition to what I have already told you about, I would also like to mention what the private sector has been doing to assist. We ought to keep our eye on the private sector because they are showing us their ability through volunteering.

Let me talk about two programs that I have been working with the private sector. One looks at one of the most difficult problems the Nation has, and that is reading. You saw the record, the horrible record of the District of Columbia in reading. We have started a program called "Everybody Wins!" This is a lunchtime volunteer reading program that pairs caring adults with

elementary school children in Title 1 schools to help them learn to read and learn the value of reading and education. Senate volunteers go every Tuesday to the Brent School to read over here on the Hill and the House volunteers go down to the John Tyler school. All in all we now have around 300 House and Senate staff who read in the program. We began "Everybody Wins!" up here on the Hill to generate awareness with the private sector and others of how fantastic a program it is and how easy and effective it is to get involved and this year we will have about 1,200 volunteers all across the city who are reading to kids in first through sixth grades to make sure at the end of the third grade they know how to read—a great program. It is a non-profit educational foundation funded by the private sector, with the whole effort led by the PGA Tour and the Tour Wives Association. The PGA Tour is under the leadership of Commissioner Tim Finchem, who is really making children and education a priority, and I commend him for all his help. We have been able to raise some money each year at a fundraiser called "Links to Literacy." The entire House and Senate leadership from both sides of the aisle joined me and Senator KENNEDY in spearheading this event. We will have another fundraiser this spring where "everybody wins" so that we can make progress toward our goal of having every elementary school child in the D.C. public schools read with an adult volunteer once a week at lunchtime.

Secondly, the area of greatest difficulty—and here is another area where the District of Columbia leads the Nation, I think—is school dropouts. Forty percent of the kids in the District of Columbia system who start do not finish, and that I tell you is very much related to the serious crime problem because 80 percent of the people that are in jails are school dropouts.

I traveled out to San Diego and visited a program there which was set up by the private sector called "Operation FitKids." This program was founded by a man named Ken Germano who works in the fitness industry and who is passionately dedicated to underprivileged kids. He figured out a way for the fitness industry to donate used equipment to schools to create safe, educational fitness centers in the middle and high schools. Now you have to have the biggest and best equipment in order to attract people. I know I watch television. Every couple weeks there is a new way to tread the mill and those kinds of things. My colleague Senator KOHL has joined with me to bring this great program to the District of Columbia. This summer we were able to have half a million dollars worth of equipment that has been donated to four of the middle schools and high schools in our city's worst areas to help young people with a place to go to exercise and to communicate with each other and to learn life-long healthy

habits. To make this work we had to form a partnership with a local university and American University stepped right up to the plate and we now will have a big launch event this Fall to get the word out about how more people can get involved.

Another area. Representative CASS BALLENGER has been working with the private sector and contractors, saying, will you help? Will you help do things with a little money? In other words, try to get donated whatever is needed to help fix these schools. And they say yes. Ballenger said, well, the problem is we can't do much about it because of the Davis-Bacon Act. And hopefully at the same time we do this we could get an agreement to lift the Davis-Bacon Act, or at least the size of contracts which are needed to be met so that we could take that money and do it with much less by being able to get around the Davis-Bacon Act.

So the private sector is ready to help. I am certainly ready to help. A number of my colleagues are. But it is up to the rest of the Senate and the House to really say we are going to make this capital the best in the country, not the worst. And right now we are embarrassed, and I am embarrassed, but I am hopeful a year from now we will be on the road to progress and I am going to do everything I can to make sure that we are on that road.

Mr. President, I am pleased to yield back the remainder of my time. I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 1266) was withdrawn.

Mr. FAIRCLOTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 2203.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that at 5 o'clock today, the Senate proceed to the consideration of the conference report to accompany H.R. 2203, the Energy and Water appropriations bill. I further ask that the reading be waived and the conference report be limited to the following debate time: the two managers, 10 minutes each; Senator MCCAIN up to 10 minutes. I further ask unanimous consent that immediately following the expiration of the time, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NOS. 1267, 1268, 1269, EN BLOC

Mr. BYRD. Mr. President, I send three amendments to the desk. I ask

unanimous consent they be considered en bloc. I have discussed this with the manager of the bill. He understands that I am going to make this request, and he has no objection.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendments 1267, 1268, 1269, en bloc.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1267

(Purpose: To prohibit alcoholic beverage advertisements on billboards, signs, posters, and other forms of advertising in certain publicly visible locations in the District of Columbia where children are likely to walk to school or play)

At the appropriate place, insert the following:

SEC. . (a) Chapter 29 of title 12A of the District of Columbia Municipal Regulations (D.C. Building Code Supplement of 1992; 39 DCR 8833) is amended by adding the following 2 new sections 2915 and 2916 to read as follows:

"2915.0 Alcoholic Beverage Advertisements.

"2915.1 Notwithstanding any other law or regulation, no person may place any sign, poster, placard, device, graphic display, or any other form of alcoholic beverage advertisements in publicly visible locations. For the purposes of this section 'publicly visible location' includes outdoor billboards, sides of buildings, and freestanding signboards.

"2915.2 This section shall not apply to the placement of signs, including advertisements, inside any licensed premises used by a holder of a licensed premises, on commercial vehicles used for transporting alcoholic beverages, or in conjunction with a one-day alcoholic beverage license or a temporary license.

"2915.3 This section shall not apply to any sign that contains the name or slogan of the licensed premises that has been placed for the purpose of identifying the licensed premises.

"2915.4 This section shall not apply to any sign that contains a generic description of beer, wine, liquor, or spirits, or any other generic description of alcoholic beverages.

"2915.5 This section shall not apply to any neon or electrically charged sign on a licensed premises that is provided as part of a promotion of a particular brand of alcoholic beverages.

"2915.6 This section shall not apply to any sign on a WMATA public transit vehicle or a taxicab.

"2915.7 This section shall not apply to any sign on property owned, leased, or operated by the Armory board.

"2915.8 This section shall not apply to any sign on property adjacent to an interstate highway.

"2915.9 This section shall not apply to any sign located in a commercial or industrial zone.

"2915.10 Any person who violates any provision of this section shall be fined \$500. Every person shall be deemed guilty of a separate offense for every day that violation continues."

(b) The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

## AMENDMENT NO. 1268

(Purpose: To increase the number of ABC inspectors in the District of Columbia and focus enforcement on sales to minors)

On page 49, between lines 13 and 14, insert the following:

SEC. 148. There are appropriated from applicable funds of the District of Columbia such sums as may be necessary to hire 12 additional inspectors for the Alcoholic Beverage Control Board. Of the additional inspectors, 6 shall focus their responsibilities on the enforcement of laws relating to the sale of alcohol to minors.

## AMENDMENT NO. 1269

(Purpose: To require the General Accounting Office to study the effects of the low rate of taxation on alcohol in the District of Columbia)

At the appropriate place, insert the following:

SEC. . (a) Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall conduct and submit to Congress a study of—

(1) the District of Columbia's alcoholic beverage tax structure and its relation to surrounding jurisdictions;

(2) the effects of the District of Columbia's lower excise taxes on alcoholic beverages on consumption of alcoholic beverages in the District of Columbia;

(3) ways in which the District of Columbia's tax structure can be revised to bring it into conformity with the higher levels in surrounding jurisdictions; and

(4) ways in which those increased revenues can be used to lower consumption and promote abstention from alcohol among young people.

(b) The study should consider whether—

(1) alcohol is being sold in proximity to schools and other areas where children are likely to be; and

(2) creation of alcohol free zones in areas frequented by children would be useful in deterring underage alcohol consumption.

Mr. BYRD. Mr. President, I rise today to address an issue that concerns me and, in my opinion, does not receive enough attention, enough attention or enough action by the Congress. This is the issue of youth alcohol use. It is a serious problem in the District of Columbia, as it is throughout the Nation.

Alcohol is the drug that is used most by teens. If we are concerned about drug use by teens, this is the drug that is used most by teens. Information compiled by the National Center on Addiction and Substance Abuse indicates that, among children between the ages of 16 and 17, 69.3 percent have at one point in their lifetime experimented with alcohol.

Let me say that again. Among children between the ages of 16 and 17, 69.3 percent have at one point in their lifetime experimented with alcohol. That is not a very good reflection on their parents, I would say. In the last month, approximately 8 percent of the Nation's eighth graders—now, get that—in the last month, approximately 8 percent of the Nation's eighth graders have been drunk. What are we coming to? Eighth graders—8 percent of the Nation's eighth graders have been drunk. What does that say about the parents? What does it say about this Nation of ours? Eighth graders are gen-

erally 13-year-olds. Every State has a law prohibiting the sale of alcohol to individuals under the age of 21. Unfortunately, though, two out of every three teenagers who drink report that they can buy their own alcoholic beverages.

Alarming, junior and senior high school students drink 35 percent of all wine coolers and consume 1.1 billion cans of beer a year. Yet, again, every State and the District of Columbia have laws prohibiting the sale of alcohol to individuals under the age of 21. Alcohol is a factor in the three leading causes of death for 15- to 24-year-olds: accidents, homicides, and suicides. In approximately 50 to 60 percent of youth suicides, alcohol is a factor. Alcohol is involved. In 1995, there were 1,666 alcohol-related fatalities of children between the ages of 15 and 19. Drinking and driving kills. Links have also been shown between alcohol use and teen pregnancies. And links have been shown between alcohol use and sexually transmitted diseases.

According to a Washington Post article from July 17, 1997, entitled, "The Corner Store," the District outranks every State with regard to deaths and diseases related to alcohol. In addition, according to Joye M. Carter, chief D.C. medical examiner, in 1993, 50 percent of the homicide victims had consumed alcohol.

In order to begin to address the distressing cost of alcohol to this city, and its children, I am offering three commonsense amendments to this bill, the District of Columbia Appropriations Act for fiscal year 1998. The amendments I have sent already to the desk.

The first one would prohibit alcoholic beverage advertisements on billboards, signs, and posters and other forms of advertising in certain publicly visible locations in the District of Columbia where children are likely to walk to school or to play. I believe this is an important, commonsense measure to help to shelter innocent children of the District of Columbia from the daily bombardment of messages tempting them to partake of alcoholic beverages. There is a lot of fuss made about advertisements concerning smoking. Nothing is said about advertisements concerning alcohol. That, apparently, is taboo.

Competitive Media Reporting estimates that the alcoholic beverage industry spent more than \$1 billion on alcohol advertising in 1995. That is an enormous amount of money, and this advertising is often crafted to particularly appeal to impressionable children. Our children are bombarded with slick and ingenious messages that drinking alcohol will lead to popularity; you will be popular; it leads even to good looks, and leads to a magnetic personality. Nothing could be further from the truth, of course. Drinking alcohol more often leads to wrecked automobiles, unwanted sex, coarse and stupid behavior, and more

often than we like to contemplate, a space in the cemetery with a tombstone resting above—especially in the case of young drinkers. Ads filled with singles playing exciting outdoor sports, or sophisticated adults combining alcohol with an elegant evening out, mask the darker view of children cringing and hiding when Daddy weaves drunkenly through the door from a bleary-eyed evening spent in the company of a bottle, or several bottles.

Similar bans have been enacted in Baltimore and Chicago to protect children in those cities. Why not here? Given the large number of liquor stores in the District and the number of signs enticing children to try a substance that they are barred from using by law, it is important that we take action now. Let us not delay and miss this opportunity to make a positive difference for the District's children.

It is my understanding that similar legislation is currently pending before the D.C. Council. It is not clear whether the council will act expeditiously on this important matter. Thus, it is incumbent upon the Congress to provide this important protection to the District of Columbia's children as they walk to school and as they play in their neighborhoods. In my opinion, the amendment, although I believe it is crafted to survive legal challenges, does not go as far as I would like in protecting the District's children. I urge the council to explore additional ways to expand this protection.

I am sure that some will challenge this amendment, arguing that commercial speech is protected from such bans under the First Amendment. As a matter of fact, the beer industry challenged the Baltimore ordinance banning outdoor, stationary alcoholic beverage advertising which is almost identical to my amendment. The circuit court has upheld the Baltimore ordinance as constitutional.

Children cannot readily interpret media messages. Their ability to analyze information is not yet fully developed, and, thus, they are more vulnerable to being swayed by advertisements. This fact is of particular concern when the substances being advertised are illegal for consumption by minors. According to the U.S. Court of Appeals, Fourth Circuit, in *Anheuser-Busch, Incorporated versus Schmoke*:

This decision thus conforms to the Supreme Court's repeated recognition that children deserve special solicitude in the First Amendment balance because they lack the ability to assess and to analyze fully the information presented through commercial media.

The Fourth Circuit decision goes on:

After our own independent assessment, we recognized the reasonableness of Baltimore City's legislative finding that there is a "definite correlation between alcoholic beverage advertising and underage drinking." We also concluded that the regulation of commercial speech is not more extensive than necessary to serve the governmental interest. . .

Mr. President, in addition to its decision, the Court determined that Baltimore's ordinance was not more restrictive than necessary to accomplish the stated goal of protecting children from alcoholic beverage advertising.

The Court of Appeals specifically cited the ordinance's inclusion of an exemption, which is also included in my amendment, for commercial and industrial areas. According to the decision, " \* \* \* Baltimore's efforts to tailor the ordinance by exempting commercial and industrial zones from its effort renders it not more extensive than is necessary to serve the governmental interest under consideration."

The exceptions to the ban included in my amendment are numerous and result in a narrowly tailored approach to achieving the goal of protecting children in areas they frequent while staying within the confines of permissible restrictions on commercial speech under the Constitution. Banning billboard advertisements for alcoholic beverages where children play and go to school are reasonable safeguards that communities can take to address youth alcohol use. So, I urge my colleagues to join me in this worthwhile and narrowly tailored effort to protect the children of our Nation's Capital.

My second amendment, Mr. President, would increase the number of Alcohol Beverage Control Board inspectors in the District and focus enforcement on the sale of alcoholic beverages to minors. The D.C. Alcohol Beverage Control Board has just three inspectors in the field in addition to their chief, who also performs inspections of alcohol outlets. These four inspectors are responsible for monitoring over 1,600 alcoholic beverage outlets. This is a sad state of affairs for a city that has more alcohol-influenced crime than any other city of comparable size. In contrast, Baltimore employs 18 regular inspectors in addition to a number of part-time inspectors.

It is illegal for persons under the age of 21 to purchase, possess, or consume alcoholic beverages in the District. In addition, the sale of alcoholic beverages to minors is prohibited. However, these laws are not being adequately enforced.

In May of this year, the Center for Science in the Public Interest [CSPI] conducted a sting operation at small grocery and convenience stores in which alcoholic beverages are sold. The sting operation used youthful looking twenty-one-year-olds to purchase beer. In 63 percent of the cases, the young looking subjects were able to buy beer without presenting age identification—63 percent of the cases. Clearly this is not good news. It is not legal to sell alcoholic beverages to minors. The low probability of enforcement of this law results in lax age identification checks. My amendment strengthens the District's ABC enforcement efforts by bringing the number of inspectors up to a level comparable to other cities of this size. It is my hope that my col-

leagues will join me in this important effort to address the serious issue of alcoholic beverage sales to minors.

My third amendment calls for the General Accounting Office [GAO] to conduct a study on the District's alcoholic beverage excise taxes. It is my understanding that the level of taxation in the District is amongst the lowest in the Nation. According to local activists concerned about the effects of alcohol consumption on the District, raising the excise tax on alcohol could be the single most effective means of reducing alcohol consumption in the District. This amendment would require the General Accounting Office to study: (1) the District of Columbia's alcoholic beverage tax structure and its relation to surrounding jurisdictions; (2) the effect of D.C.'s lower excise taxes on alcoholic beverages on consumption of alcoholic beverages in D.C.; (3) ways in which the District of Columbia's tax structure can be revised to bring it into conformity with the higher levels in surrounding jurisdictions; and (4) ways in which those increased revenues can be used to lower consumption and promote abstention from alcohol amongst young people.

The study would also explore whether alcohol is being sold in proximity to schools and other areas where children are likely to be. In addition, would the creation of alcohol free zones in areas frequented by children be useful in deterring under-age alcohol consumption?

These are important issues. They are important issues that ought to be explored. The information obtained in the study will be useful in determining the need for possible future adjustments of the excise taxes in the District on alcohol that might reduce the high costs that alcohol abuse imposes on the District of Columbia.

The District of Columbia is our Nation's Capital, a centerpiece for our Nation's Government, as well as a hometown for 600,000 people. It should be a shining star in the constellation of American cities, but it is not. Sadly, that star is tarnished by neglect, abuse, and by the complex forces that hold sway over and within it. The corrosive effects of alcohol abuse further erode its beauty and grandeur. I believe that these three amendments make a positive step toward repairing the District so that it might claim its rightful place at the pinnacle of American metropolitan areas.

Mr. President, I ask for the yeas and nays on the amendments en bloc.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments, en bloc, be set aside temporarily to a time when the leadership would find it most convenient for Members to have the vote.

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

Mr. FAIRCLOTH. Mr. President, the three amendments offered by Senator BYRD will be voted on en bloc, and we want to set them aside until the leadership arranges a vote.

The PRESIDING OFFICER. The amendments have been set aside.

Mr. FAIRCLOTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS-CONSENT AGREEMENT

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the votes occur on the amendments offered and considered en bloc by Senator BYRD immediately following the vote on the energy and water appropriations conference report and that one vote count as three votes.

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

Mr. FAIRCLOTH. Mr. President, again, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

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

Mr. FAIRCLOTH. Mr. President, I modify my consent request with respect to the Byrd votes, that one vote count as only one vote.

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

Mr. FAIRCLOTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. 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. HOLLINGS. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business and my remarks not interrupt the pending amendment.

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

#### THE DEFICIT

Mr. HOLLINGS. In his book "Breaking the News," Jim Fallows writes: "If the public is confused, alienated, pessimistic or hostile to government, that is only partly the public's fault. . . ." And he goes on to say, "Journalism should lead the public by pointing out realities."

So I briefly point out a reality, Mr. President, to the Congress here this