

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

afternoon. In "The Economic and Budget Outlook" of the Congressional Budget Office—the authority with respect to budgetary figures such as the balanced budget, deficits and surpluses—we find on page 34, Mr. President, the reality that while, yes, a unified deficit is listed as \$34 billion, the actual deficit for the year 1997 that ends at midnight tonight is \$177 billion. That is the deficit. The media should report this, the reality, and not the fraudulent unified deficit. We are spending \$177 billion more than we are taking in.

The unified deficit is \$34 billion because they count the surpluses from the airports, the highway trust funds, Social Security, and the military and civil service pension funds—billions of dollars moved over. But that does not obscure the fact, nor it should not obscure the fact, that as of this fiscal year, when we are all talking about wonderful reductions in deficits, we are running a real deficit of \$177 billion.

Now, Mr. President, 5 years out when we all say, "Oh, we have a balanced budget for the first time since Lyndon Johnson," and everyone is running around shouting "balance!" there will be no balance, according to the Congressional Budget Office. In the year 2002, the deficit, rather than being in balance, will be \$161 billion. And that assumes optimistically that 95 percent of the domestic cuts occur in the last 2 years.

I can assure the distinguished Senator from North Carolina that the deficit will be bigger 5 years out than it is today, at the end of this fiscal year. Looking at the figures across the board for the next 5 years, I see that the CBO forecasts next year's deficit to be \$210 billion; the year following that, 1999, the deficit will be \$226 billion. Go across the board and you will find out the so-called balanced budget actually increases the national debt by \$1 trillion.

Now why is that dangerous? That is dangerous because you cannot avoid the interest costs on the national debt. The national debt is now in excess of \$5.3 trillion, and going up to over \$7 trillion in the next 10 years.

Mr. President, the Congressional Budget Office estimates that even with low-interest rates we will spend \$358 billion in the next year just servicing the national debt. This amounts to almost \$1 billion a day. This is \$1 billion a day we cannot spend on new roads or schools. The first thing the Government does every day is borrow another \$1 billion to pay interest on the national debt. Now, if you managed your family finances or your business this way, you would not last long; but we are doing it.

All this reminds me of Denny McLain. He was convicted earlier this year of using his company's pension fund to pay off his company's debt. You see, we passed the Pension Reform Act of 1994, and when Denny violated that act, he was sentenced to 8 years in pris-

on. If you can find what prison he is in, tell Denny he made a mistake. He should have run for the Senate: instead of getting a prison sentence, he would have gotten the Good Government award. That is what we are doing around here—stealing from the American people's pension funds. And we are patting each other on the back. This is a sweetheart deal. Both parties are agreeing to lie to the American people so that we can proclaim the budget is balanced.

The truth of the matter is, we have a deficit now, and we will still have one in 2002. This year's much-ballyhooed budget deal increases spending \$52 billion and cuts revenues \$95 billion. Now, how can you balance anything by increasing your spending and cutting your revenues? You can't. But that is what we are claiming. It is Rome all over again, and we are trying to make the people happy with bread and circuses. Only today, the Congress' circuses are spending increases and tax cuts and shouts of "balance, balance, balance."

I yield the floor, Mr. President. I thank the distinguished Presiding Officer and my colleague from North Carolina.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to the conference a report on (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998.

The report will be stated.

The bill clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the (Senate or House) to the (H.R. 2203) 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 Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 26, 1997.)

Mr. DOMENICI. Madam President, on July 16, the Senate passed its version of the Energy and Water Development Act for fiscal year 1998 by a vote of 99 to 0. Since that time, the House has passed its version, which in some cases was quite different than the Senate version, and conferees have resolved the differences between the two bills.

At times, those negotiations were difficult. However, the final result is a well balanced bill I believe should be supported by all my colleagues—it certainly was well received by the House which passed it a few hours ago by a vote of 404 to 17.

In summary, the bill provides \$21,209,623,000, a reduction of \$1,895,701,000 from the amount of the request and \$57,421,000 below the level recommended by the Senate, for programs with the jurisdiction of the subcommittee. Details are provided in the report which was filed last Friday and has been available to Members since Saturday when it was printed in the RECORD.

There are a few matters that need clarification.

The conferees included language in the conference report commending the Department on the tremendous advances made in pulsed-power technology in the past year. Because of uncertainties, which I will discuss in a moment, in the level of funding needed for the pulsed power program in the coming fiscal year, a level was not specified. However, the conferees have indicated that the Department should support continued Z-physics and diagnostics in the coming year.

A robust pulsed power program in the coming year might include \$13,000,000 for continued Z-machine physics, \$5,000,000 for backlighting, and an additional \$7,000,000 for the conceptual design of the next generation pulsed power machine; X-1. However, there may be less expensive ways to achieve backlighting, and the schedule for a next generation machine would be better determined following additional experiments on the existing machine. For those reasons, it is impossible to specify a level of funding for the coming year. However, the Department should continue Z-physics experiments with those objectives in mind.

The conferees agreed to a provision that would prohibit the Department of Energy from awarding, amending, or modifying any contract in a manner that deviates from the Federal acquisition regulation, unless the Secretary grants, on a case-by-case basis, a waiver to allow for such deviation. In the statement of managers, the conferees direct the Department to be cognizant of and utilized provisions of the Federal acquisition regulation that permit exceptions to the Federal acquisition regulation and provisions intended to address the special circumstances entailed by management and operating contracts. I want to clarify that, if the Department utilizes those provisions of the Federal acquisition regulation that permit exceptions to the Federal acquisition regulation or that address the special circumstances of management and operating contracts, it will not be necessary for the Secretary to obtain a waiver for those cases; the use of such provisions will not be considered a deviation from the Federal acquisition regulation.