

abandoned notions of personal responsibility. Combined with an active lobby that pushed for drug legalization, those years laid the foundations for an explosion of drug use. Most of the burden of that use fell upon young people. Most of our addicts today, who burden our welfare and health systems, are the casualties of that period. They are paying the personal price but the rest of us are footing the bill. It is also no coincidence that our major crime wave began during the same years and is linked directly to growing drug use.

It was the double whammy of kids on drugs and crime on our streets that led to public demands for a speedy and effective response. It led to "Just Say No" and a concerted effort to reverse the trend and save a generation of young people. It worked. But now we are in danger of forgetting once again what we once knew: That drug use is not a victimless crime. That it is not harmless. That it is simply a matter of personal choice with no social consequences.

In the last several years, we have seen teenage drug use increase at an alarming rate. We have seen drug use messages re-emerge in the popular culture. We have seen major public figures and leading members of government equivocate on drugs or openly advocate legalization.

We have seen major financial figures pour money into pushing drugs-are-good-for-you themes. We have also seen the birth of MTV and the Internet. These media, aimed at kids, purvey in the most direct way drug use themes to kids of all ages. Today, access to kids by people who want to exploit them is unprecedented. Whether we are talking drugs or pornography, there is an open highway into almost every home in the country. Any household that is home to a tv or computer access to the worldwide web is accessible. You cannot lock your doors.

Currently, drug information sources on the Internet are dominated by drug legalizers. Their websites are easily accessed. They specialize in trendy formats and cartoon helpers. We hear a lot about Joe Camel.

Well, take a look at what those who specialize in drug legalization use. As a recent piece in the New York Times shows, drug messages aimed at kids are up to date, stylish, and accessible. High Times, which is one of the major drug legalization publications in the country, operates a site on the net. Their web page is available with only a few clicks from the main page. It is filled with lots of helpful tips. You can learn, for example, how to grow marijuana at home. It offers advice on how to evade or distort drug tests. You can find details on where to find the best drugs. Of course, to access these helpful hints, you have to certify that you are not a minor. But there is no way to check on this, so the certification is meaningless. There are many more, similar sites.

When you link this access to re-emerging drug themes in the music

most listened to by young people, it is not hard to understand that more kids are using. It is not hard to see why more kids believe that drugs are not dangerous.

These messages come at a time of another wave of ambivalence about drugs. They come at a time when leadership is lacking. They come at a time when many parents do not seem to know how to talk to their kids.

Close to 25 percent of the population of this country is under the age of 18. Forty-five million are under the age of 12. It is this population that is most susceptible to drug use messages. It is this audience that is most targeted with those messages.

We have all the ingredients for another drug epidemic. This one, however, will come when we are still coping with the walking wounded for our last fling with drugs. We are also seeing much younger kids starting to use. If we fail to respond, seriously and soberly, then our new drug epidemic will be worse than our last. It will also be the result of a colossal act of irresponsibility.

The PRESIDING OFFICER. The Senator from New Mexico.

#### PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. I ask unanimous consent that a fellow in my office, Dan Alpert, be permitted floor privileges during the pendency of the Treasury, Postal appropriations bill.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for up to 12 minutes.

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

#### AMENDMENT NO. 937 TO S. 1023

Mr. BINGAMAN. Mr. President, the amendment Senator MURKOWSKI and I have offered strikes section 630 of the bill. If enacted, section 630 would foreclose all Federal agencies from taking advantage of energy conservation programs offered by their local utility company. I believe section 630 would needlessly restrict an option that helps the Federal Government, the Nation's largest energy user, implement cost-effective energy-savings programs at Federal facilities.

Mr. President, the Energy Policy Act of 1992 set a goal of reducing by 20 percent the average energy consumed by the Federal Government. Federal facilities were given various approaches for reducing energy consumption. For example, an agency can sign an energy savings performance contract with an energy service company, or it can work with the local utility company to take advantage of utility-sponsored energy conservation measures. Under current law, Federal agencies may select the option that is best for their situation.

It is important to have this flexibility because working with the private

sector to reduce a facility's energy use is not an ordinary procurement. Purchasing energy efficiency isn't like buying paper clips or furniture. The Federal Energy Management Program has made substantial progress in streamlining the contracting process for energy management services at Federal facilities. If an agency chooses to work with the local utility company, it may go directly to the utility on a sole-source basis to obtain the energy efficiency and management services that are available to all utility customers. In most cases, the utility teams with energy service companies to maximize cost-effective energy savings for the Government.

Section 630 would eliminate the option of working with the local utility. If section 630 remains in the bill, Federal agencies will not be able to take advantage of the financial incentives, goods, or services generally available to all other customers of the utility. This could represent literally millions of dollars lost to the taxpayers. Section 630 could also prevent payments on existing energy management contracts between Federal agencies and utilities.

Over the years, I have spoken frequently here on the critical need for Federal agencies to make better efforts to reduce their energy use. According to a recent GAO report, the taxpayers' electric bill for Federal facilities is more than \$3.5 billion a year. There is no question we could be saving a substantial portion of this amount through cost-effective energy measures that frequently have payback times less than 10 years. I am pleased to see the substantial progress now being made.

For example, the Government's largest single energy user is the Department of Defense, which accounts for half of all Federal electricity consumption. The Department is now on a track to save up to \$1 billion per year in total energy spending by the year 2005. The Department of Defense believes section 630 would significantly reduce its authority and opportunity to take advantage of private sector energy conservation expertise and capital, and would, in fact, seriously reduce the amount of work offered to all sectors of the energy community.

Mr. President, I ask unanimous consent that a copy of this letter from Millard Carr of the Department of Defense be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. BINGAMAN. Earlier, I described the options available to Federal agencies to secure energy management services. If I could Mr. President, I'd like to take a moment to give two examples demonstrating that the program is on the right track and illustrating the risks of hasty and ill-considered changes.

The first example is the New Mexico initiative from my home state. The

General Services Administration has a contract with a local utility, Public Service Co. of New Mexico, that covers the Federal facilities in PNM's service territory. Under the terms of this agreement, PNM partners with energy service companies on a competitive basis to implement the actual energy-saving measures. This initiative is expected to result in \$60 million in new investments in conservation and energy efficiency technologies. The initial pilot project is at the White Sands Missile Range, where I understand that substantial reductions of energy and water use have been achieved. This successful program would be terminated if section 630 were enacted.

The other option available to Federal agencies is to contract with energy service companies. I understand there may be concerns that these companies are left out of the Federal Energy Management Program when the agencies choose to work with their local utilities. Mr. President, I don't believe this is the case. An article from the May 22, 1997, New York Times describes the Department of Energy's awarding of five competitive contracts worth up to \$750 million dollars. These contracts cover Federal buildings in Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington. The winning companies include energy service companies such as Honeywell, Inc., and Johnson Controls. Five more awards are planned over the next 2 years for a total contract value of \$5 billion. It seems to me that all commercial players are helping Uncle Sam reduce his energy bill. Mr. President, I ask unanimous consent that a copy of this article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. BINGAMAN. Mr. President, these are but two examples from the Federal Energy Management Program. The Energy Policy Act of 1992 simplified the contracting procedures Federal agencies may use to implement energy conservation measures. The last thing we should be doing is eliminating options. We should be striving for maximum flexibility and not hamstringing the agencies as they strive for substantial progress.

Mr. President, last week the distinguished chairman of the Appropriations Committee stated that section 630 "reflects no change in the law" and that the section "directs federal agencies to abide by the law." I must respectfully disagree with the chairman. Section 630 would make very substantial changes in energy-management measures enacted as part of the Energy Policy Act of 1992, which Senator MURKOWSKI and I, and the other members of the Energy Committee, worked to pass.

Last week, in speaking on section 630, the chairman of the Appropriations Committee listed what he stated were the provisions that are, in his view, relevant to Federal agency contracting

programs for energy services. However, with all due respect Mr. President, the distinguished Chairman omitted the sections of the existing law that section 630 would overturn. In particular, section 152 of the Energy Policy Act of 1992 describes the implementation options available to agencies. If I may, I'd like to read the exact text: Each agency shall "take maximum advantage of contracts authorized under subchapter VII of this chapter, of financial incentives and other services provided by utilities for efficiency investment, and of other forms of financing to reduce the direct costs of Government \* \* \*."

Section 630 would effectively eliminate the option for Federal agencies to work with utilities, receive any available financial incentives, or take advantage of attractive forms of financing. This would be a bad deal for the taxpayer.

Another part of section 152 of the Energy Policy Act that section 630 would repeal specifically describes utility incentive programs:

(1) Agencies are authorized and encouraged to participate in programs to increase energy efficiency and for water conservation or the management of electricity demand conducted by gas, water, or electric utilities and generally available to customers of such utilities.

(2) Each agency may accept any financial incentive, goods or services generally available from any such utility, to increase energy efficiency or to conserve water or manage electricity demand.

(3) Each agency is encouraged to enter into negotiations with electric, water, and gas utilities to design cost-effective demand management and conservation incentive programs to address the unique needs of facilities utilized by such agency.

(4) If an agency satisfies the criteria which generally apply to other customers of a utility incentive program, such agency may not be denied collection of rebates or other incentives.

Congress placed very similar requirements on the Department of Defense in the Defense Authorization Act for fiscal year 1993. Mr. President, I will not read any more of the existing energy or defense authorizations that would be wiped out by section 630. Instead, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks all the relevant provisions that allow local utility participation in Federal energy management programs.

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

(See exhibit 3.)

Mr. BINGAMAN. Mr. President, I have heard no arguments here as to why these good provisions should now be repealed. In addition, the Appropriations Committee's report offers no explanation of the need for section 630.

Let me also observe that section 630 attempts to make these controversial changes in energy legislation through an appropriations bill. As far as I can tell, no formal notification to or consultation with the Energy Committee has taken place. I doubt that such a far-reaching change would be consid-

ered by the Energy and Natural Resources Committee without at least a hearing.

The proponents of section 630 should have their views heard in the appropriate forum. I am recommending to the chairman of the Energy Committee that hearings be held so that we can get all the issues out on the table and, if changes are needed, come to a reasonable solution.

In the meantime, I urge my colleagues to support this amendment and strike section 630.

#### EXHIBIT 1

OFFICE OF THE UNDER SECRETARY OF  
DEFENSE, DEFENSE PENTAGON,  
Washington, DC, July 18, 1997.

To: Mr. Dan Alpert, Office of Senator Bingaman.

Subject: Section 630 Senate Treasury and Postal Service Appropriations bill.

This is in response to your phone request for a Defense position on the proposed Section 630 to the Senate Treasury and Postal Appropriation bill which would preclude any Federal agency from obtaining energy conservation services on a sole source basis.

I understand the intent of the section is to assure best value to the government through competition. I cannot comment on the jurisdictional issues, but I believe very strongly that the language as written would significantly reduce the authority and opportunity this Department has to take advantage of private sector energy conservation expertise and capital. I can only assume that the sponsor of this section has been seriously misled as to its implications.

The Department of Defense is the single largest energy user in the country and as such we have been and continue, to be committed to achieving the energy efficiency improvement goals of the Energy Policy Act and President Clinton's Executive Order 12902. If those goals are achieved, we will realize a billion dollar reduction in our annual energy bill by 2005 and implement the most cost effective environmental improvement result possible through pollution prevention. With the reduction in available appropriated funds and technical personnel to achieve the buildings and energy systems improvements necessary to meet program goals, we are turning to the private sector for those resources.

The Military Departments and this office have worked for over a year to develop a memorandum of agreement with the Edison Electric Institute to expedite participation in existing energy conservation programs offered by many of their member companies to all customers. There is no question that Department of Defense installations, and all Federal agencies, should have the same ability to access those programs provided to other similar customers. The agreement, based on authority in the Energy Policy Act, includes direction that a competitive procurement process be used to select the most cost effective and competent private sector firm capable of doing the specific technical work. It is our belief that this utility "prime contract" process will lead to a significant increase in the actual work done by the energy savings performance contractor and Architect/Engineer communities.

The intent of the DoD/EEI agreement was simply to expedite the contracting process through which Defense installations could access private sector energy conservation experts and resources. Passage of Section 630 would in fact seriously reduce the amount of work offered to all sectors of the energy community.

I urge you to work to convince the Congress to strike Section 630.

MILLARD E. CARR, P.E.,  
Director, Energy and Engineering.

#### EXHIBIT 2

[From the New York Times, May 22, 1997]

#### UNITED STATES TO RENOVATE FEDERAL BUILDINGS TO CUT ENERGY BILLS BY 25 PERCENT

(By Matthew L. Wald)

WASHINGTON.—The Federal Government, the Nation's largest landlord, will undertake a \$5 billion renovation of its buildings to cut energy bills by about one quarter, and all the money will come from private companies, the Energy Secretary, Federico F. Peña, announced today.

Mr. Peña named five corporate teams that will do the first \$750 million of work. When all the Government's 500,000 buildings are renovated, he said, energy costs will be cut by \$1 billion a year from the current \$4 billion.

"That is real money, even by Washington standards," Mr. Peña said.

An aide said the improvements, including better lamps, motors, air conditioning systems and heating equipment, were expected to save the Government \$22 billion over their lifetime.

The Energy Department has tried the approach before, on its headquarters on Independence Avenue here and in other buildings, but has found it cumbersome, as contracts are bid building by building, officials said. Now the Government has a standard contract and a list of vendors and hopes to complete all Federal buildings by 2005.

The Government will invite an outside contractor to perform an "energy audit" and suggest improvements, stating a price for which it will do the work. If the Government accepts the bid, the contractor installs the new equipment at the contractor's expense, an approach taken by many private building owners.

The Government will pay the contractor part of the money that it saves on electric and fuel bills. The payments will continue for a fixed period, usually five years. For the contracts announced today, the maximum payments will be \$750 million.

John Archibald, the deputy director of the Federal Energy Management Program at the department, said he believed that the contractors would invest about \$500 million directly. In addition, officials said, the contractors' burdens include being paid back over several years, and the risk that the savings would not justify their improvements.

The buildings to be improved range "from military posts to post offices, and from Federal monuments to memorials," Mr. Peña said. Most are office buildings, officials said. The contracts announced today cover all Federal buildings in Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon and Washington. Electricity prices in Washington and Oregon are among the lowest in the nation, making savings more difficult.

The work will be done by Honeywell, Inc., of Minneapolis, which helped devise the concept of contractor-financed energy improvements, Johnson Controls, of Walnut Creek, Calif., ERI Services Inc., of Bridgeport, Conn., and two corporate teams. One team comprises The Bently Company/BMP Team, of Walnut Creek, Calif., Puget Sound Energy, of Bellevue, Wash., and Macdonald Miller Company, of Seattle. The other team is Enova, which is the parent company of San Diego Electric and Gas, and Pacific Enterprises, also of San Diego.

#### EXHIBIT 3

#### EXCERPTS FROM THE ENERGY POLICY ACT OF 1992

SECTION 152(C)(2) (42 U.S.C. 8253(D)(1)(C))

Each agency shall take maximum advantage of contracts authorized under subchapter VII of this chapter, of financial incentives and other services provided by utilities for efficiency investment, and of other forms of financing to reduce the direct costs to the Government.

SECTION 152(F)(4) (42 U.S.C. 8256)

#### Utility incentive programs

(1) Agencies are authorized and encouraged to participate in programs to increase energy efficiency and for water conservation or the management of electricity demand conducted by gas, water, or electric utilities and generally available to customers of such utilities.

(2) Each agency may accept any financial incentive, goods or services generally available from any such utility, to increase energy efficiency or to conserve water or manage electricity demand.

(3) Each agency is encouraged to enter into negotiations with electric, water, and gas utilities to design cost-effective demand management and conservation incentive programs to address the unique needs of facilities utilized by such agency.

(4) If an agency satisfies the criteria which generally apply to other customers of a utility incentive program, such agency may not be denied collection of rebates or other incentives.

#### EXCERPTS FROM THE DEPARTMENT OF DEFENSE AUTHORIZATION, PUBLIC LAW 102-484 (10 U.S.C. 2865(D))

#### Energy saving activities

(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by any gas or electric utility for the management of electricity demand or for energy conservation.

(2) The Secretary of Defense may authorize any military installation to accept any financial incentive, goods, or services generally available from a gas or electric utility, to adopt technologies and practices that the Secretary determines are cost-effective for the Federal Government.

(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into agreements with gas or electric utilities to design cost effective demand and conservation incentive programs (including energy management services, facilities alterations, and the installation and maintenance of energy saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

(4)(A) If an agreement under paragraph (3) provides for a utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repaid by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

(B) Subject to the availability of appropriations, repayment of costs advanced under paragraph (A) shall be made from funds available to a military department for the purchase of utility services.

(C) An agreement under paragraph (3) shall provide that title to any energy savings device or technology installed at a military installation pursuant to the agreement vest in the United States. Such title may vest at such time during the agreement, or upon ex-

piration of the agreement, as determined to be in the best interests of the United States.

Mr. BINGAMAN. Mr. President, I yield the floor. 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be allowed to speak for 20 minutes in morning business.

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

#### FAST-TRACK TRADING AUTHORITY

Mr. DORGAN. Mr. President, I want to visit today on the floor of the Senate about something that will come to the Senate, according to what I read in all the journals and newspaper articles, in the month of September. This will be a request from the Clinton administration to the Congress to give them something called fast-track trade authority.

This poster behind me will tell my colleagues of course how I feel about fast track. There will not be any great suspense by those who look at this poster to understand that I think fast-track trade authority is the wrong track for this country. I want to spend a little time talking about what fast track is. I expect most people in the country are unfamiliar with the term. What is fast-track trading authority? And why are we debating it?

Just the words "fast track" tell a story. We all come from towns that have understood what the word "fast" means. We have all had some folks come through our town with the modern-day equivalent of the old covered wagon and the fellow wearing silk pants and a silk shirt and a top hat, selling some sort of bottled medicine that cures everything from hiccups to the gout—the fast talker, fast-buck artist. We know about fast food and fast lanes.

This is fast track. What does fast track mean? Congress under the U.S. Constitution has the authority on trade issues. I will put up a chart which shows that authority in the Constitution. Fast track means that Congress will take its authority and essentially subjugate its authority to a process by which an administration will go out and negotiate a trade agreement and then bring it back to Congress with an understanding that there shall not be any amendments on the agreement. Fast track means that every Member of Congress will be prevented from offering an amendment to the trade agreement.

The Constitution of the United States in article 1, section 8 says, "The