Whereas a National Moment of Remembrance would provide citizens in the United States an opportunity to participate in a symbolic act of American unity: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its support for a National Moment of Remembrance at 3:00 p.m. eastern standard time on each Memorial Day in honor of the men and women of the United States who died in the pursuit of freedom and peace; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe a National Moment of Remembrance on each Memorial Day.

● Mr. HAGEL. Mr. President, I rise today with my colleague from Nebraska, Senator BOB KERREY, to submit a resolution expressing Congress' support for a national moment of remembrance, to be observed on Memorial Day each year, in order to appropriately honor American patriots lost in pursuit of peace and liberty around the world.

Should Congress pass this resolution, ''Taps'' will be played at 3 pm (Eastern Standard Time) on Memorial Day each year, in honor of those who have sacrificed their lives for their country. In other words, this resolution seeks to put the ''memorial'' back into Memorial Day.

It is my hope that this moment of remembrance will bring all Americans together in a spirit of respect, patriotism and gratitude. Our intention is to help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our great Nation.

No Greater Love, a nonprofit organization which assists the families of Americans who died in service to their country or in terrorist acts, has helped support this resolution as part of their ''Proud to Remember'' campaign. We are all grateful for their efforts.●

AMENDMENTS SUBMITTED

LAUNCHING OUR COMMUNITIES' ACCESS TO LOCAL TELEVISION ACT OF 2000

JOHNSON (AND OTHERS) AMENDMENT NO. 2891

(Ordered to lie on the table.)

Mr. JOHNSON (for himself, Mr. THOMAS, Mr. GRAMS, Mr. ROBB, Mr. WELLSTONE, Mr. HARKIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by them to the bill (S. 2097) to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes; as follows:

In section 4(d)(2)(D), insert after the phrase ''acceptable to the Board'' the following: ''or any lender that (i) has not fewer than one issue of outstanding debt that is rated within the highest three rating categories of a nationally recognized statistical rating agency; or (ii) has provided financing to entities with outstanding debt from the Rural Utilities Service and which possess, in the judgment of the Board, the expertise, capacity and capital strength to provide financing pursuant to this Act''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, at 9:30 a.m. on sports gambling.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, at 10:00 a.m. for a hearing entitled Meeting the Challenges of the Millennium.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, at 10:30 a.m. for a hearing entitled Meeting the Challenges of the Millennium.

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

COMMITTEE ON FINANCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, for hearings regarding the Inclusion of a Prescription Drug Benefit in the Medicare Program.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 29, 2000 at 2:30 p.m. to mark up S. 1507, Native American Alcohol and Substance Abuse Program Consolidation Act of 1999, and S. 1509, Indian Employment, Training and Related Services Demonstration Act Amendments of 1999; followed by a hearing on S. 1967, to make technical corrections to the status of certain lands held in trust for the Mississippi Band of Choctaw Indians. The hearing will be held in the Committee room, 485 Russell Senate Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, at 9:30 a.m., to receive testimony on Presidential primaries and campaign finance.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, March 29, 2000, at 9:30 a.m., in SD226.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 29 at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 1778 to provide for equal exchanges of land around the Cascade Reservoir; S. 1894, to provide for the conveyance of certain land to Park County Wyoming; and S. 1969, to provide for improved management of, and increased accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 29, 2000, for hearings on the nomination of Elizabeth Michelle Andrews Smith.

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

THE FEDERAL GAS TAX

Mr. WARNER. Mr. President, I want to turn to the subject of the cloture vote that will be held tomorrow. It is scheduled on legislation to suspend 4.3 cents of the Federal gas tax and then the possibility, at some point in time, of the suspension of the full 18.4-cent gasoline tax; the 4.3, of course, is included in that.

Now this proposal was laid before the Senate last night by our distinguished majority leader, Senator LOTT. Senator LOTT is a man of principle. I rise with convictions of my own, and I hope he will accord me the same respect I accord him. He firmly believes it is in the best interest of the country—the measure he is bringing before the Senate. I believe it is my duty to oppose that, and my remarks give the reasons for doing so.

I ask unanimous consent that several documents be printed at the end of my statement.

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

(See Exhibit 1.)

Mr. WARNER. Mr. President, in this effort, I am joined by the following organizations as of this moment. Within 3 hours this afternoon, they have come to my door in great numbers. I urge Senators to listen to the following. Opposing this measure—the substance of the bill—are the National Governors' Association. The distinguished Presiding Officer was a former Governor and was active in that association. Also, there is the National Association of Counties, U.S. Conference of Mayors, National Conference of State Legislators, Association of Road and Transportation Builders, Associated General Contractors, Building and Trades Unions, American Highway Users Federation, American Automobile Association. That list is growing by the hour.

I believe the Senate, at this critical hour, should be directing its attention in a constructive way to point out the failures of the Clinton energy policy. My colleague, the junior Senator from Alaska, has been a tireless worker on this effort. I believe either today or tomorrow he will be addressing the Senate on this subject. We should be focusing our attention on how, legislatively or otherwise, we can help the American free enterprise system to increase production. That production has been stymied time and time again by a number of Government regulations, such that today America is dependent for 56 percent of its petroleum energy requirements—56 percent coming across the ocean to our shores.

We are now finding ourselves in this great Chamber, watching intently as to what OPEC might do. A series of nations, the majority of whom—certainly not Iraq and Iran and others—we have come to their defense time and time again when their security and freedom have been challenged. Yet, we are sitting here by the hour waiting to see how they might provide this great Nation, the United States of America, an energy program of imports combined with our own domestic production to meet our needs, to continue to strengthen this economy, which is not only helping to support our Nation and provide jobs but, indeed, is relied on by economies throughout the world—all because of this petroleum.

We recognize that the price of gasoline has reached such a high level that it is beginning to have tragic consequences on families, on small businesses, on truckers, and many others across this Nation. Indeed, this Chamber is directing its attention to see what relief we may give. But I say most respectfully to those who are proposing the suspension of this 4.3-cent tax and the possibility of another trigger requiring that to be subsumed into an 18.4-cent tax, that this is not a wise course, and I oppose it. I oppose it because the proposal is fraught with uncertainty. We could be taking an action which would not translate into relief for the drivers of our vehicles—those who are suffering from this. There is simply too much uncertainty in this course of action. That is one reason.

The second reason is it would impact negatively on legislation which I and others fought for years for and finally got through in the form of new highway legislation. I will address that in detail.

I ask the question: Is the repeal or temporary suspension of the 4.3 cents going into the pockets of the drivers? Can we give them that assurance? That is the question each of you will have to answer if you want to support this proposal.

What is the guarantee that this tax cut will be passed on to the consumer? What is the likelihood it might go in part or in whole into the pockets of the middlemen, the wholesalers, or the distributors? How are the drivers protected from the oil refiners and wholesale marketers from taking off some of this for their own reasons? Will the free marketplace enable them to charge the same price at the gas pump even after you achieve the rescinding of the 4.3? What is there to indicate that the price at the gas pump is going to come down? I can find no certainty.

I come back time and time again to one word— ''uncertainty.''

If it is not to be passed on to the consumers and the high prices continue, I think Americans will feel betrayed. They are now mad. But they could be more irate if they are betrayed by what could be perceived as a course of action. That could happen. But there is no certainty 4.3 cents will be put into their pockets.

What is the impact of this hollow tax cut? Is it a significant impact on our budget surplus? Very clearly—the way the bill is drawn, it will have an impact on that surplus.

The Department of Transportation estimates that the 9-month suspension—as proposed in this legislation—of this portion of the gas tax will result in approximately $6 billion less in the highway trust fund. That money, which by law in the context of the highway legislation that I worked on, will be taken out. That means there will be a shortfall in the next 9 months of $6 billion.

While the legislation as proposed by the distinguished leader has a unique provision—I am not sure I have ever seen one like it before—calling on the surplus—that is the general revenues and surplus—to replenish the lost revenue in the highway trust fund, there is some trigger mechanism in there.

But I ask my colleagues in the Senate: Do we want to be spending a significant part of our limited surplus for this uncertainty? If we knew it was going into the consumers' pockets, that might be one thing. But I have yet to find anybody who says it is absolutely going to bypass all the middle people and go into their pockets.

Do we want to take that surplus, which we are examining for debt reduction, tax reduction and other purposes, do we want to suddenly have $6 billion with just the 4.3 cents go into this type of scheme? If we go to 18.4, then it could well consume all the surplus. The question you have to ask yourself is, Is that what we want to do with the surplus? This Senator says no.

In other words, I would rather see such tax legislation as can pass this Chamber, tax legislation which guarantees by law taxpayer relief—the marriage penalty tax for one and the estate tax relief for another, specifically—relief that they need. And there is certainty. That is the word; there is certainty. But there is uncertainty with this proposal.

Do we want to use the on-budget surplus to give a tax cut to gasoline wholesalers? I don't. Do we want to use our surplus for other, more certain tax legislation? Yes, I do. That is the position I take this evening.

Let's go back and look at the highway legislation that we worked on several years ago, called TEA–21. For over a decade in the Senate, I, along with many other colleagues on both sides of the aisle with strong bipartisan support—the senior Senator from Montana, Mr. BAUCUS, our former colleague, Senator Chafee from Rhode Island, myself, and others—teamed up in the Environment and Public Works Committee. I was then chairman of the transportation subcommittee, a position now occupied by our distinguished Presiding Officer, who I believe is in concert with me on the views with regard to this tax. Over a period of years we worked towards several goals, and we achieved them.

We wanted to first restore faith with the drivers who were promised over the years that the gas taxes they paid at the pump would come back to their respective States to be used for new highways, improvements in safety, and the like. But it never happened. We had the donor-donee situation, where various States got higher than they sent to Washington for taxes; others got less. And finally we struck a note of fairness in that legislation. It was landmark legislation. It has worked in our States. That is why the Governors in all 50 States are opposed to this. That is why the highway administrators in all 50 States and their organizations are opposed to the legislation. They made it work.

Tens upon tens of thousands of contracts are operating today to modernize and improve our highways and other transportation facilities. Millions of people are engaged in employment and others in providing the supplies and engineering and design. The system is working as it was intended when this Senate together with the House of Representatives put this legislation into law.

TEA–21 guaranteed that all the taxes motorists paid at the pump would be placed in the highway trust fund. It would go into the trust fund, and, indeed, 100 percent went for highways and highway safety.

Before TEA–21, the gas tax was increased by 4.3 cents. I voted against an increase in taxes of 4.3 cents. But it went into the general revenues. As a part of the legislative process in devising TEA–21 right on this floor, we voted—I believe the vote was 80–18—to take that 4.3 cents which was going into the general revenue and put it into the highway trust fund. Now we are asked to suspend that source of income going into the highway trust fund. I am opposed to it.

As our Nation's transportation infrastructure aged and crumbled, it was imperative that we transfer the 4.3 cents from general revenues to the highway trust fund. Eventually, TEA–21 guaranteed spending reform which resulted in a 40-percent increase in funds for transportation over the past 2 years. Today, we are just beginning to see the benefits of TEA–21 with more projects under construction, jobs being created, products moving more efficiently across the country, and, most importantly, improvement in highway safety.

Do we want to now turn back the clock and inject uncertainty—that is the key word, uncertainty—into the funding profile needed for our highway program?

While the legislation has an untested triggering mechanism to restore general revenues to the highway trust fund, what happens if that trigger is pulled and it doesn't work? Again, uncertainty will jeopardize highway safety for the driving public and thousands of jobs once created by TEA–21. In order to accomplish these significant budget reforms in TEA–21, adequate funding in the highway trust fund was critical to meet the many demands for the highway dollars. The highway trust fund is the sole source of revenue to improve our highways and bridges and maintain our bus and rail systems.

The consequences of a suspension of 4.3 cents of the Federal gas tax are very significant if that triggered mechanism doesn't work. First, State and local transportation activities will lose approximately $6 billion just from the 4.3. Second, there will be a tremendous loss of high-paying jobs. I have heard upwards of a quarter of a million jobs would be lost. Certain representations have been made by some of my colleagues, and I am not in a position to agree or disagree, that all the contracts that are currently signed in an operation have adequate funding. That could well be correct. However, I could not get the same representation from those individuals regarding the 18.4. If that suddenly comes in, it could jeopardize some of the contracts that are outstanding.

As Members come to the floor to vote tomorrow, they must have in mind an answer if the triggers go in effect—there are several triggers to the 18.4—what happens to the current contracts out there now and the people who are on the highways of this Nation working with trucks and all the other equipment to improve these roads. State and local transportation activities, as I say, will lose significant funds.

Second, there would be a tremendous loss of the highway-paying jobs. I have covered that.

Third, the safety of American drivers would be jeopardized. I am going to have printed in the RECORD the AAA letter which goes to the question of safety on the highways of America.

Fourth, there would be severe disruptions in maintaining the planning schedules. In other words, every week in my State the highway departments, as they do in other States, are analyzing the needs of that State and beginning to project the work, contract for the work, design the work. Suddenly, they hear from Washington; wait a minute, the funds that may not come in. We promised the transfer from the general revenues. Try to explain the triggering mechanism, and what happens. Uncertainty comes into the equation.

We all know it takes years, far too long for a highway or transit project to make it from the drawing board to construction. Severe swings or even the uncertainty of the availability of funds in transportation funding will make it nearly impossible for States to effectively manage their highway programs. Consistent funding levels are critical to the seamless steps of planning, designing, engineering, the permitting process, contracting, and construction. A stable program—where States, local governments, and contractors have the benefits of a long-term funding cycle—translates into a reliable supply of new and improved highways. That is elementary.

Do we want to stop the modernization of our Nation's transportation system to give the gas middleman a few more pennies in his pocket? It could well happen. Or do we keep on course to improve transportation and highway safety for all Americans while providing more meaningful and lasting tax relief with such limited surplus as we may have?

Those are the fundamental questions.

I read off the various organizations, and I will make a brief reference to the following from the American Association of State Highway and Transportation Officials:

DEAR SENATOR WARNER: I would like to express AASHTOs profound concern with, and opposition to, bills recently introduced in the House and the Senate that would repeal or suspend all or a portion of the Federal motor fuel taxes.

We appreciate the economic hardships caused by the sharp rise in the price of oil to the trucking industry, to the motoring public and to other sectors of our committee. However, we are concerned that the recently introduced legislation, designed to relieve the current economic distress, will inadvertently jeopardize the financial stability of the federal program that supports the various surface infrastructure on which motorists, the trucking industry, and indeed the economy depend.

From the Small Business Legislative Council, addressed to Senator LOTT, with a copy came to me:

On behalf of the Small Business Legislative Counsel (SBLC), I want to indicate that we must object to the initiative to temporarily roll back the Federal gas tax. While small businesses are clearly suffering as a result of the highway gasoline prices, we are long time staunch supporters of reserving the integrity of the highway trust fund and making sure that we have the proper infrastructure to deliver our goods and services.

From the American Automobile Association, one of the great hallmarks in our transportation system for many years, they write:

Even more troubling is the proposal to temporarily suspend the 18.4 cents per gallon Federal tax prices if prices top $2 per gallon this year.

That is an average; it is a complex formula. It could happen. I understand in California today the prices are over $2. It would not be just one State that triggered it. It would be a national average.

Continuing:

Despite assurances that revenues lost by the Highway Trust Fund will be replaced with revenues in the budget surplus, this action fundamentally alters the basic principle governing surface transportation funding. The Federal excise tax is a user fee. Motorists are paying for road and bridge repairs and safety programs through the fees paid at the gas pump.

Now, from the American Road and Transportation Builders Association. They listed 10 points which will be printed.

Last, I did not know what a coincidence it would be that the Presiding Officer, the Senator from Ohio, would be in the Chair. I obtained the following editorials which appeared in his State today, again, solidly supporting the distinguished Senator's stance on opposition to these taxes. It is very clear. I will read one editorial which appears in the Akron Beacon Journal:

And all that gas tax, the difference that 4.3 cents can make.

George Voinovich doesn't like paying $1.60 or more for a gallon of gas. In that sense, the Ohio Senator stands with the majority of his fellow Republicans, heck, the majority of Americans. Where he departs from the party line is determining what to do about the increase.

Not surprisingly, Voinovich takes a practical approach. On Thursday, he joined Sen. John Warner, a Virginia Republican, and Sen. Max Baucus, a Montana Democrat, to voice their bipartisan opposition to repealing the 4.3-cents-per-gallon tax levied in 1993 for deficit reduction. All three understand the cost if the tax is repealed.

Cost? Old motorists might save a few cents. What they would lose is money for highway repair and construction. In 1997, Congress altered the purpose of the tax, dedicating the 4.3 to the highway use only.

What would Ohio lose? If the repeal took effect in July, the State would forfeit $650 million the next three years. The State Department of transportation is already budgeted $300 million in Federal money for new construction. That would disappear.

In its place? The headaches of drivers as they navigate the roads in desperate need of repair. Voinovich knows deficient roads exact their own toll.

All across America today, tonight, people will be joining in notifying their Members of Congress that this piece of legislation, no matter how sincere, how principled in its presentation to this body, is not in the best interests of the country for the reasons I have stated.

EXHIBIT 1

[From the Akron Beacon Journal, Mar. 27, 2000]

ALL THAT GAS TAX—THE DIFFERENCE THAT 4.3 CENTS CAN MAKE

George Voinovich doesn't like paying $1.60 or more for a gallon of gas. In that sense, the Ohio senator stands with the majority of his fellow Republicans, heck, the majority of Americans. Where he departs from the party line is determining what to do about the increase.

Not surprisingly, Voinovich takes the practical approach. On Thursday, he joined Sen. John Warner, a Virginia Republican, and Sen. Max Baucus, a Montana Democrat, to voice their bipartisan opposition to repealing the 4.3-cents-per-gallon tax levied in 1993 for deficit reduction. All three understand the cost if the tax is repealed.

Cost? Oh, motorists might save a few cents. What they would lose is money for highway repair and construction. In 1997, Congress altered the purpose of the tax, dedicating the 4.3 cents to highway use only.

What would Ohio lose? If the repeal took effect in July, the state would forfeit $650 million the next three years. The state Department of Transportation has already budgeted $300 million in federal money for new construction. That would disappear.

In its place? The headaches of drivers as they navigate roads in desperate need of repair. Voinovich knows deficient roads exact their own toll.

———

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS,
Washington, DC, March 15, 2000.

Hon. JOHN WILLIAM WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I am writing to you on behalf of the American Association of State Highway and Transportation Officials (AASHTO) which represents the highway and transportation departments of the 50 States as well as the District of Columbia and Puerto Rico. I would like to express AASHTO's profound concern with, and opposition to, bills recently introduced in the House and Senate that would repeal or suspend all or a portion of the federal motor fuel taxes.

We appreciate the economic hardships caused by the sharp rise in the price of oil to the trucking industry, to the motoring public, and other sectors of the economy. However, we are concerned that the recently introduced legislation, designed to relieve the current economic distress, will inadvertently jeopardize the financial stability of the federal program that supports the very surface infrastructure on which motorists, the trucking industry, and indeed, the economy depend.

Each penny of motor fuel tax currently generates almost $1.7 billion per year in revenues to the Highway Trust Fund's Highway and Mass Transit Accounts, with the funds dedicated to highway and mass transportation improvements. The loss of revenue from a repeal of federal motor fuel excise taxes would have a devastating impact on the ability of states to deliver, as promised to their citizens, critically needed surface transportation improvement projects. Projects that would be eliminated or delayed include those designed to reduce accidents and fatalities and to improve the overall operation and efficiency of the surface transportation system.

While the Transportation Equity Act for the 21st Century (TEA 21) established record levels of federal surface transportation investment, the U.S. Department of Transportation still estimates that the level of investment needed to maintain current highway conditions alone is $211 billion over the next four years. The U.S. Department of Transportation maintains that poor road conditions are a factor in an estimated 30 percent of traffic fatalities. A repeal or suspension of a portion of the federal motor fuel tax would virtually eliminate all of the gains we made with TEA 21, and put us that much further behind in meeting our surface transportation needs.

We respectfully urge you to examine the loss of revenues to the Highway Trust Fund and the impact on highway and mass transportation funding to your state resulting from a repeal of the federal motor fuel tax. I have attached a table that shows the state-by-state effect of a repeal of 4.3 cents of the tax. We hope that you will consider alternatives to a repeal or suspension of the federal motor fuel excise tax that would not seriously impair the abilities of the states to deliver much-needed projects that will maintain and improve the safety, condition and performance of our surface transportation system.

Sincerely,

THOMAS R. WARNE,
Executive Directors.

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AMERICAN ROAD & TRANSPORTATION BUILDERS ASSOCIATION,
Washington, DC, Wednesday, Mar. 29, 2000.

TOP 10 REASONS WHY REPEALING PART OF THE FEDERAL GAS TAX IS A BAD IDEA!

On Thursday, March 30, the U.S. Senate is expected to take up legislation—S. 2285—that would: (a) repeal 4.3 cents of the 18.4 cents-per-gallon federal gasoline tax from April 15, 2000, to January 1, 2001; or (b) repeal the entire 18.4 Federal gas tax during that time frame if the national average price of gasoline exceeds $2.00 per gallon. The bill proposes to use the ''on-budget surplus'' to ''reimburse'' the more than $20 billion that could be lost to the Highway Trust Fund under this scheme.

1. S. 2285 introduces uncertainty and risk into state highway funding. Federal highway investment is already guaranteed under the 1998 highway bill known as the Transportation Equity Act for the 21st Century (TEA–21). There is no need to risk this guarantee for a promise that things will be taken care of using the ''on-budget surplus.'' Uncertainty will slow down state highway and mass transit improvement programs.

2. S. 2285 could utilize the entire FY 2000 ''On-Budget Surplus.'' According to the Senate Budget Committee's Informed Budgeteer of March 13, 2000, the Congressional Budget Office has reestimated the FY 2000 ''on-budget surplus'' to be $15 billion. Repealing the entire federal gas tax from April 15 to September 30—a possibility under S. 2285—would cost the Highway Trust Fund approximately $15 billion. This would leave no room for other Republican budget priorities . . . or to protect Social Security and Medicare. A $9 billion supplemental appropriation bill is currently pending in the House.

3. Cutting highway investment jeopardizes lives. According to the U.S. Department of Transportation, 12,000 Americans die each year in auto crashes in which poor road conditions or alignments are a factor. Traffic accidents are the leading cause of death of young Americans 6 to 28 years of age and result in more permanent disabling injuries than any other type of accident. Cutting the federal highway user fee could cut programs that are aimed at helping reduce that public health crisis.

4. American jobs would be put at risk. Rolling back 4.3 cents of the federal gas tax motor fuels tax would risk eliminating over a quarter million American jobs that are sustained by public investment in highway construction programs—with concurrent losses of federal and state income tax revenue and increases in unemployment-related government expenses.

5. S. 2285 could negatively affect state bond ratings. The perception of uncertainty about the flow of federal highway funds to the states that S. 2285 would create could affect the bond ratings of states that have borrowed funds for highway projects against future federal-aid revenues. The National Highway System Act allows federal-aid highway and mass transit funds to be used to pay principle and interest costs on bonds for highway and mass transit projects. Bonds issued under this provision are called GARVEE bonds. Here are a few examples:

Ohio: $90 million for the Spring-Sandusky project with a moral obligation to seek gas tax or general revenues if there is a shortfall in federal aid.

Mississippi: $921.7 million for a four-lane highway program, with the state gas tax as back up.

New Mexico: $100.2 million for State Route 44, with no back-up (a ''naked GARVEE'').

New Jersey: $151.5 million to purchase 500 new buses, backed solely by anticipated funding from the Federal Transit Administration.

States that have passed enabling legislation or are planning to issue GARVEE Bonds in the near future include Alabama, Arkansas, Arizona, California, Colorado, Florida, Nevada and Virginia.

6. The uncertainty raised by S. 2285 will hurt publicly-traded companies in the transportation construction sectors. These companies have already taken a hit on Wall Street over the past month with just the suggestion of a cut in federal highway investment. Many of these companies have made very substantial capital investments in anticipation of increased highway work under TEA–21. S. 2285 could leave them hanging in the wind!

7. S. 2285 would only save the average American motorist 46 cents a week. The motorist driving 12,000 miles a year in a car getting 20 miles per gallon would save $18.28 between April 15 and January 1, 2001, with a 4.3 cents gas tax cut.

8. S. 2285 acknowledges consumers may not even benefit from the proposed tax rollback at the pump. The bill would direct the Comptroller General of the United States to ''conduct a study of the reduction of taxes under this Act to determine whether there has been a passthrough of such reduction'' with details to the Congress ''not later than September 30, 2000.''

9. Gasoline prices can be expected to decline in the next two to three months by between 5 cents and 21.25 cents per gallon due

to OPEC's quota increase. According to a Department of Energy's Energy Information Agency (EIA) study released on March 6, crude oil prices would drop to $25.50 per barrel by August and $23 per barrel by the end of the year if OPEC increased its quota by 1.7 million bpd starting in April. Also according to EIA, for each $1 per barrel decrease in the price of crude oil, gasoline prices drop approximately 2.5 cents per gallon at the pumps. According to market analysts, such price adjustments take between 6–8 weeks. However, if current gasoline prices reflect the peak crude prices, then the gasoline price decline will be closest to the higher figure.

10. Greenspan says ''Save the Surplus''. Federal Reserve Chairman Alan Greenspan told the Senate Special Committee on the Aging March 27, ''Saving the surpluses—if politically feasible—is, in my judgment, the most important fiscal measure we can take at this time to foster continued improvements in productivity.''

AAA,
Washington, DC, March 28, 2000.

AAA wishes to go on record in its opposition to measures that seek to suspend all or portions of the federal excise tax on gasoline. While attractive at first glance, this course of action will do little to address the root cause of our gasoline price problem today, which is a shortage of supply caused by curtailed production of crude oil, by OPEC states.

AAA recognizes that many motorists are suffering because of high gas prices. But, the benefits to motorists from reducing the gas tax are, at best, minimal. Temporarily suspending 4.3 cents of the gas tax would translate to less than $1 per week in possible savings to motorists. The resulting loss of revenue to the Highway Trust Fund, however, would impede the important work of rebuilding our nation's transportation infrastructure and improving highway and motorist safety. That is an unacceptable risk for AAA's 43 million members.

Even more troubling is the proposal to temporarily suspend the entire 18.4 cents-per-gallon federal tax if prices top $2 per gallon this year. Despite assurances that revenues lost to the Highway Trust Fund will be replaced with revenues from the budget surplus, this action fundamentally alters the basic principle governing surface transportation funding. The federal excise tax is a user fee. Motorists are paying for road and bridge repairs and safety programs through the fees paid at the gasoline pump.

Congress recognized the importance of fully investing in the nation's infrastructure when it passed TEA–21 in 1998 and ensured that federal gas tax dollars are dedicated for their intended purpose. Because of this historic legislation, motorists now trust that their taxes are invested exactly where they belong—improved mobility across all surface transportation modes—and safety.

Make no mistake about it. Lower receipts into the Highway Trust Fund will compromise safety for the traveling public. Is that truly what Congress wants to do? Reducing the federal gasoline tax will do nothing to increase fuel supply. That is where Congress and the Administration should focus their attention. To focus legislative efforts on the federal gas tax, rather than the real problem—supply—is a shortsighted and regrettably expedient response to the problem.

In the meantime, AAA is doing its part to reduce demand by issuing its ''Gas Watcher's Guide'', which details the many ways in which motorists can conserve fuel. A copy is enclosed for your review. The guide shows motorists that how a vehicle is used can be just as important as which vehicle is used.

Thank you for your consideration of AAA's view.

Sincerely,

SUSAN G. PIKRALLIDAS,
Vice President,
Public & Government Relations.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MAJORITY LEADER: On behalf of the Small Business Legislative Council (SBLC), I want to indicate that we must object to the initiative to temporarily roll back the Federal gas tax. While small businesses are clearly suffering as a result of the high gasoline prices, we are long time staunch supporters of preserving the integrity of the highway trust fund and making sure that we have the proper infrastructure to deliver our goods and services.

We understand that you intend to pay for this roll back using the ''surplus.'' Right now we have many priorities for the use of that surplus. Repeal of the death tax, increasing direct expensing, full deductibility for the self-employed's health care costs, FUTA tax relief, repeal of the installment sales repeal and national debt reduction to name just a few.

As you know, the SBLC is a permanent, independent coalition of nearly 80 trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, tourism and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

We appreciate your outstanding leadership on behalf of small business. We believe there must be a better way to provide relief for small business from rising gasoline prices without jeopardizing other small business priorities.

Sincerely,

JOHN S. SATAGAJ,
President and General Counsel.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

ACIL, Air Conditioning Contractors of America, Alliance of Independent Store Owners and Professionals, American Association of Equine Practitioners, American Bus Association, American Consulting Engineers Council, American Machine Tool Distributors Association, American Moving and Storage Association, American Nursery and Landscape Association, American Road & Transportation Builders Association, American Society of Interior Designers, American Society of Travel Agents, Inc., American Subcontractors Association, American Textile Machinery Association, Architectural Precast Association, Associated Landscape Contractors of America, Association of Small Business Development Centers, Association of Sales and Marketing Companies, and Automotive Recyclers Association.

Automotive Service Association, Bowling Proprietors Association of America, Building Service Contractors Association International, Business Advertising Council, CBA, Council of Fleet Specialists, Council of Growing Companies, Cremation Association of North America, Direct Selling Association, Electronics Representatives Association, Florists' Transworld Delivery Association, Health Industry Representatives Association, Helicopter Association International, Independent Bankers Association of America, Independent Medical Distributors Association, International Association of Refrigerated Warehouses, International Franchise Association, and Machinery Dealers National Association.

Mail Advertising Service Association, Manufacturers Agents for the Food Service Industry, Manufacturers Agents National Association, Manufacturers Representatives of America, Inc., National Association for the Self-Employed, National Association of Home Builders, National Association of Plumbing-Heating-Cooling Contractors, National Association of Realtors, Manufacturers of RV Parks and Campgrounds, National Association of Small Business Investment Companies.

National Association of the Remodeling Industry, National Community Pharmacists Association, National Electrical Contractors Association, National Electrical Manufacturers Representatives Association, National Lumber & Building Material Dealers Association, National Ornamental & Miscellaneous Metals Association, National Paperbox Association, and National Retail Hardware Association.

National Society of Accountants, National Tooling and Machining Association, National Tour Association, National Wood Flooring Association, Organization for the Promotion and Advancement of Small Telephone Companies, Petroleum Marketers Association of America, Printing Industries of America, Inc., Professional Lawn Care Association of America, Promotional Products Association International, The Retailer's Bakery Association, Saturation Mailers Coalition, Small Business Council of America, Inc., Small Business Exporters Association, SMC Business Councils, Society of American Florists, Turfgrass Producers International, United Motorcoach Association, and Washington Area New Automobile Dealers Association.

Mr. REID. Mr. President, before my friend from Virginia leaves the floor, I want to say a couple of things in his presence.

When I came to the Senate, the Senator from Virginia was a Member of the Senate. I had the good fortune of being assigned to the Environment and Public Works Committee, as was the Presiding Officer when he came to the Senate.

I worked putting myself through law school in the Capitol complex.

I never talked to a Senator during that period of time. I always had a kind of a vision of what a Senator was like. I have to say, the Senator from Virginia fills what I think a Senator should be. If there were ever a gentleman Senator, the Senator from Virginia fits that bill.

We have worked together on committees over the years. When we were in the majority, I was the chairman of a subcommittee. I was a junior Member of the Senate at the time, but the respect shown as the chairman of that subcommittee was as it should be from the Senator from Virginia.

We are no longer in the majority, and the Senator from Virginia is now the chairman of the Armed Services Committee. Even though we have not always worked together on issues, and we have voted differently on occasion, I have the greatest admiration for the way the Senator from Virginia handles himself as a person and as a Senator.

I say with the deepest respect, the Senator's statement today amplifies—and the people of Virginia should understand—the courage it takes to be, in this instance, a minority in a majority who speaks out against what, at first glance, seems very popular—reducing taxes.

In short, I commend, applaud, and appreciate this Senator for the courage he has shown. One of my jobs on this side of the aisle is to make sure we have enough votes on issues or at least know where the votes are. The Senator's statement today will allow the Senate to act tomorrow in a bipartisan fashion and defeat this motion to invoke cloture. We need to do more things in the Senate in a bipartisan fashion. We do not always need this line dividing us. We need to work together more often.

I hope this will be the beginning of this Senate working together on more issues. I appreciate the example set by the gentleman Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague, the assistant leader of the minority, a great Senator in his own right. We have worked together and will continue to work together. These are matters of conscience. Bottom line, it is the fervent hope of all Americans that a Senator, when he or she votes, votes what is in the best interest of the United States and as a matter of their own personal conscience. That I do, and I know my distinguished colleague from Nevada follows that credo. I thank the Senator.

Mr. REID. Mr. President, I came to the floor when I heard the Senator from Virginia beginning to speak on this issue and, of course, stayed to hear him complete his remarks. I underscore and underline what the Senator said.

It was maybe 10 or 12 years ago that every weekly publication in America, and many newspapers, featured articles about the deteriorating infrastructure of this country—highways, roads, bridges, dams. They were falling apart. They still are, but we have made great progress. Why? Because we dedicated money in a trust fund to be used for only one purpose, and that is highways.

When someone buys a gallon of gasoline in Ohio, Virginia, or Nevada, they can rest assured that money is going to go toward our deteriorating infrastructure. It is so badly needed.

I am going to Nevada on Friday, and we are going to have a celebration. Why are we going to have a celebration? Because we are going to cut the ribbon to the largest highway public works project in the history of Nevada. It was done with the help of the Senator from Virginia. It was a direct allocation to the people of the State of Nevada to take care of a very serious traffic problem we had in downtown Las Vegas. It is something known as the spaghetti bowl. That will be completed on Friday. It is a project that cost over $100 million.

From where did that money come? From people all over the country, including the people in Nevada, buying gasoline and diesel fuel and paying the taxes on that gallon of fuel. It went into the fund. There are other spaghetti bowls around America to which this tax has gone.

No one is happy about the cost of a gallon of gasoline, and I am not here to justify the cost of gas. I think it is too high. I wish it were lower. We, in America, should look at this as a glass being half full, not half empty. The reason I say that is, in spite of the spiraling gas prices which none of us like, we have the lowest gas costs in the world. Other countries buy gas by the liter, and they pay a lot for it.

I hope, with the OPEC nations going to produce 1.7 million barrels of gasoline a day extra and Norway and Mexico and other countries producing more, we are going to get over 2 million barrels of gasoline a day. It will take some time for the price of gas to drop. We cannot be rushing forward on these issues. We have to be calm and deliberate.

This is a tax bill, and we should handle tax bills by having hearings in the Finance Committee. We have two very fine people there, some of the most experienced legislators not only in the Senate today, but in the history of the country—the Senator from Delaware, Mr. ROTH, the chairman of the committee, and the ranking member, the Senator from New York, Mr. MOYNIHAN. They have wide-ranging experience.

Senator MOYNIHAN is not only a ranking Democrat on the Finance Committee, he was chairman of the Environment and Public Works Committee. They should have a hearing on this and talk about—the good and the bad about lowering this gas tax. We have not had a single hearing. This bill is here as a result of what we call rule XIV. There is no companion bill in the House. If this bill is passed, it will either be held here at the desk indefinitely, or if we send it to the House, it will be blue slipped. It is a tax bill. It will go nowhere. I am sorry to say, this is for show.

We have a tax bill, H.R. 3081. This is what we need to do. There is no one in this body who does not want to see a decrease in the price of gasoline. This is not the way to go about it.

The Senator from California, Mrs. BOXER, has suggested maybe we should direct the 300,000 barrels a day that flow from Alaska to places, other than the United States, to the United States. Use Alaska oil for us, not them. That would help.

In fact, this legislative action that is going to take place tomorrow is a step in the wrong direction. I will not go into the details. The Senator from Virginia has done a good job of that. Let's be more careful and more calculating in what we do.

Because my two colleagues from Virginia and Ohio are here, both members of the majority, I am only going to touch briefly—because I do not think this should be a partisan issue—on George W. Bush's stand on this issue. I am disappointed in Governor Bush. I hope he does not think the solution to every problem is lowering taxes. I wish he would reassess his view on this. He has come out for lowering this gas tax. I am sorry he has done that.

That is enough on partisan issues. We have been very bipartisan and will continue to do so.

Mr. President, do you know who would love this proposal? The oil cartel. Put yourself in the position of an OPEC minister. You set these limits as high as you want or as low as you want, and the oil prices are pushed up. You are afraid, the higher the price of gasoline, that people will use less gasoline and heating oil and cut your exports. Suppose, however, you can count on the U.S. Government to reduce gasoline taxes whenever the price of crude oil rises. They have a great deal going then. Then Americans are less likely to reduce their oil consumption and conspire to drive prices up, which makes such a conspiracy considered more attractive.

This is directly from the New York Times. It is not original with me.

They further go on to state: This tax cutback would lead directly to cutbacks in necessary and popular Government services. This is one instance where everyone agrees that if you cut taxes, it would lead directly to cutbacks in necessary and popular Government services.

We have talked about what those Government services are; namely, taking care of the deteriorating bridges, roads, and highways we have in America.

Tax cuts are not the answer to this problem.

I hope people on this side of the aisle and people on that side of the aisle will come here tomorrow and vote this down and, hopefully, pave the way, in the ensuing weeks and months, so that we can do other things in a bipartisan fashion.

I say to my friend, again, from Virginia, thank you very much for your leadership on this issue. I say to the Presiding Officer, a member of our committee, the Environment and Public Works Committee, thank you very much for your courage and your leadership on this issue. Obviously, from what has been read by the Senator from Virginia from the newspapers at home, they see that you have your eye on the prize and know what you are doing. Congratulations.

Mr. WARNER. Mr. President, again, I thank my colleague for what I regard as a very moderate and tempered and sincere approach to this issue. There is always a temptation to lurch into what are the political unknowns or intentions here. But our distinguished assistant leader of the minority party, I think, just stated his case very factually. I respect him for that.

I say, before the distinguished leader leaves the floor, I think the Presiding Officer might have a perspective here. If you just wait a minute, I shall take the Chair and enable the Presiding Officer to address the Senate.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Ohio is recognized.

Mr. VOINOVICH. First of all, I thank the Senator from Virginia for relieving me in my responsibility of presiding over the Senate, and thank him also for his very kind words about my involvement in this issue that I think is very important to our fellow Americans. I commend the Senator from Virginia for his ability to stand up on an issue that is fairly controversial, and to speak from his heart. I also appreciate the kind words from the Senator from Nevada.

I speak today as a Senator from Ohio, and also as a lucky freshman who is chairman of the Transportation and Infrastructure Subcommittee in the Environment and Public Works Committee of the Senate.

I also speak from a perspective as a former Governor of the State of Ohio, and the former chairman of the National Governors' Association, the chairman of the association when we negotiated TEA 21 with this Congress and the President; one of the most significant pieces of legislation that this Congress passed. As the Senator from Nevada has pointed out, it was a piece of legislation that responded to the tremendous infrastructure needs that we have throughout this great country of ours. Even in spite of that wonderful piece of legislation, we still have some great needs to fill in order to really have a transportation system that will allow us to compete in this 21st century.

One of the things we were concerned about in that legislation was the issue of being able to depend upon a flow of money for a certain period of time so that we could properly plan for new highway construction in our States.

We needed something that was dependable and something that we could work with our contractors and others that do work in our States, so we could say we are going to be doing this program over a period of years and not have these peaks and valleys that so many States experience.

We were pleased Congress decided to take the 4.3-cent gas tax that had been used for deficit reduction and use it for our highways. I might say, in 1993 I was not in favor of Congress using the gas tax for deficit reduction because it was a user's tax. From a federalism point of view, our feeling was that that was a tax that should be earmarked for the user—the user being the people who use our highways—in order to repair and maintain and build new highways, to allow them to move goods, and also to eliminate some of the traffic problems and the pollution problems created by traffic jams that we have throughout the country.

I was pleased that Congress decided to take that and say: We are going to make it a user tax. We all felt good about that and we felt relieved.

We now have before us the situation where our gas prices have increased substantially. I am not going to go into all the reasons for it.

A 4.3-cent reduction in the gas tax, frankly, may have some short-term political benefits. But when people consider the fact that if they drive 15,000 miles per year, and they average 15 miles per gallon, that they will save $43 with our 4.3-cent reduction in the gas tax. They will be very cynical about Congress' response to a problem that they are confronting at the gas pump—particularly when they come to realize that it will have, even on a short-term basis, an interruption in some of the highway projects that are underway throughout this country.

As the Senator from Virginia said, in the State of Ohio, we are talking about, over 3 years, $650 million. That 4.3 cents is the construction money that Ohio needs to move forward with their new highway construction. I would suspect in Nevada and Virginia it is the same thing. Other money is used just for maintenance and repair. This is the money we are using for new construction.

In addition—this is something that has not been even spoken about—that 4.3 cents, when Congress agreed to allow it to be used for the highway trust fund, was the money that guaranteed donor States, such as Ohio—and I do not know whether the Presiding Officer's State is a donor State or not—but it was the thing that allowed us to be guaranteed 90.5 cents on every $1 we sent to Washington.

I want you to know this is a big deal because one of the first things I did when I became Governor of Ohio in 1990 was to say, we are a donor State. At that time, we were only getting back 79 cents per $1. So one of the first things I did was to try to lobby, through the National Governors' Association, an increase for the donor States. You may remember, ISTEA brought up a lot of the donor States. I think we went from 79 cents up to 87 cents. With TEA 21, we are now at 90.5 cents. That is very important in terms of our guaranteed funding. It is also very important in terms of our new construction program.

I know there are some who suggest that we use the budget surplus to make up for the money we would lose from reducing the highway gas tax.

But the fact of the matter is, if you want to look at the big picture, what we are saying is, we are going to use the budget surplus that could be used to reduce taxes or reduce the national debt, or be used for prescription drug benefits in Medicare, and so many other things—we're going to use that general pot of money to fund highways, which are used by a certain select group of people in this country, mainly, highway users.

We are basically saying to the highway users: You are having a problem at the pump. Therefore, we are going to reduce your taxes by 4.3 cents, and we are going to find the money from the general fund of the United States. So we will make everybody in the United States subsidize that 4.3 cents we are reducing on the gas tax.

In spite of the fact that I am not happy about the high cost of gasoline, I think the people who use the highways ought to be the ones who pay for the new highways, and the repairs, and for new construction. This bill would say we are going to open up the general fund of the United States and use it to make up the difference. I think from an equitable point of view, that is not fair. I think this proposal, from a public policy point of view, is one that is not well taken.

The passage of this reduction may take away from the fact that we have a real problem in this country. The problem in this country is that we have no energy policy. The reason we have the increase in the price of gasoline in this country, in my humble opinion, is the fact that this administration was asleep at the switch. They didn't do their homework. As a result of that, the price of oil crept up.

Now they are cramming in every way possible to try to influence the people who supply the oil to bring the price down. What we should be doing is following the leadership of Senator Frank MURKOWSKI and others who have come to the floor of the Senate, and work conscientiously to develop an energy policy for the United States of America. We should be concerned about the fact that we are relying too much upon foreign oil.

Last week, Senator THOMPSON had a hearing of the Governmental Affairs Committee which included people from the administration. I asked them: Do you believe we should be less reliant on foreign oil? Their answer came back: Yes. I said: Statistics show we are going to become more reliant on foreign oil.

I then asked the question: Do you have a number where you want to be; i.e., 50-percent reliant, 45-percent reliant? They didn't have an answer. They didn't have a number. Then I said to them: Logically, one would say that if you wanted to reduce your dependence on foreign oil, you would set a goal and say we are going to reduce it to 45 percent, and we are going to reduce it by X year, and here is the way we are going to achieve that goal. That would involve opening up more opportunities—ANWR, for example. That would also mean looking at alternative fuels. That would mean looking at our Tax Code to encourage our small oil strippers who can't afford to be in the business, to get back in the business. That would mean having a national policy, that puts all of these things on the table, and that looks at environmental concerns.

Yes, we want to protect the environment. Yes, we want to protect our national defense, which is something we're not talking about. The national defense of our country is in jeopardy. Reports have said that. We can't be reliant on these other nations, particularly those who are our enemies. We have been at war with one of them for 10 years now.

I think this situation with these high gas prices should be an opportunity, on a bipartisan basis, to bring everybody to the table to develop and start talking about what should be the energy policy of the United States. It should not to be like so many instances around this country where, when something happens, we treat it like a barking dog. You give it a bone, the price will go down, everybody will continue to do the same thing they did before, and we will have another crisis. It is time to get this problem out of the drawer and onto the table, and deal with it in a responsible fashion. We need to set out a plan we can feel confident in that will reduce our reliance on foreign oil and protect our national economy and our national defense.

We should not be participating in a short-term proposal to reduce the gas tax which will not make a whole lot of difference and may indeed take the focus away from the real problem; that is, that the United States of America does not have an energy policy.

(Mr. SMITH of Oregon assumed the Chair.)

Mr. WARNER. Mr. President, I thank my colleague. He has stood with me throughout this battle, succeeding me as chairman. He fully understands. He brings a perspective to the Government. He understands the problem of long-term stability in contracting on our highway programs. Of course, that is predicated on this trigger mechanism working. Perhaps the distinguished chairman of the Budget Committee will know.

This is so serious, but I wish to inject a little humor. One of our colleagues today said this reminds him of pool. It is a three-bank shot. Picture the ball. That is the 4.3. You hit it off one bank, and suddenly it gets stripped off and goes around the other balls, which is the Budget Committee, so they don't have any voice in this. It goes off another bank. When it hits that bank, it picks up funds from the general revenue. Then it comes over and hits another bank to get around the Appropriations Committee, which usually has some authority over appropriating around the surplus, and then slowly goes into the pocket of the highway trust fund. So this is a three-cornered bank shot. Maybe our distinguished chairman of the Budget Committee can throw a little light on this triggering mechanism and how it works.

I thank my colleague.

Mr. VOINOVICH. I think one of the significant things about this proposal is the number of people who are opposed to it.

The AAA—a very respected organization in this country which represents the folks who drive on America's highways—with the high gas price, you would think they would be saying reduce the tax, or, get rid of the tax. But the AAA is saying: No, we don't want you to reduce the tax. We know it is not going to make a lot of difference in terms of the price, and we are more concerned about having highways that are safe and well-maintained and that are repaired. They are more interested in seeing new construction projects undertaken.

Last but not least, I want to correct something that was said on the floor. The Senator from Nevada indicated that Governor Bush supports the repeal of the 4.3-cent gas tax. I talked with Governor Bush yesterday or the day before. He clearly said he did not support—how did he put it? I want to be very careful about how I say this—he is not in favor of reducing the 4.3-cent gas tax. That is what he said, and it was spoken as the Governor of the State of Texas who understands how important highways are.

I also point out that the National Governors' Association has said they are opposed to this proposal. The National Association of Counties, the National Council of State Legislators, all of the people who have been dealing with highways and the users are saying this is not going to make a real difference. Let's get on with dealing with this problem.

Mr. DOMENICI. Will the Senator yield?

Mr. VOINOVICH. I yield to the Senator, my good friend from New Mexico.

Mr. DOMENICI. First, I thank the Senator for his good remarks. He is right on. I think he should add to his arsenal of words and discussions about the energy crisis the following: The United States of America has the greatest intelligence organization. We spend so much on intelligence and information gathering. We have an agency within the Department of Energy that is independent. We put a lot of money in it. They call themselves the ''analysts of energy.'' They are supposed to know everything you can know about crude oil. Tonight, as the cartel and its member countries concluded a meeting and said, this is what we are going to do, the United States of America has no way of finding out whether they have or have not. We do not know how much they are producing, how much they are exporting. That may come as a shock to you, but I can guarantee you what I am telling you is right. We don't know.

Now isn't this something? We are now sending diplomats, such as my friend and former colleague from New Mexico, to go over and kind of beg these countries to consider our economy and worry about our future and that we are in this together, we are bosom buddies, and we bailed you out of a few wars; don't do us in so bad; put a little more oil on the market so the price will go down. We don't know, unless they choose to tell us, day by day how much they are putting in the market, how much is being exported to the world communities. We sort of know how much the world needs. Our chairman of the Energy Committee has reported over and over again what that number is. But if you ask the person from the energy agency of the United States, Do you know how much they put on the market months ago?—give us the month and tell us how much—they will tell you: We don't know. As a matter of fact, they will tell you they lost 500 million barrels somewhere. I don't mean that it sank underground in a big hole and depleted away; they just lost it in transit, didn't know what happened to it.

I submit that we ought to worry about all the things you are talking about, but we had better get our heads together and find out who we are going to assign the responsibility of finding out how much of this international oil is being put on the market. After all, we ought to know. We are paying the money for it. Our future is dependent upon it. If they cut down the spigot and we don't know for 6 or 7 months what they did, shame on us, don't you think? We have to know that.

Mr. VOINOVICH. If the Senator will yield further. One of the concerns I have is, what kind of promises have we made to these people in order to get them to turn on the oil spigot? I just heard earlier today, for example, that Iraq, who has been our enemy—

Mr. WARNER. And still is, I might add.

Mr. VOINOVICH. Still is. In consideration of their giving us more oil, we are shipping them some technology they say they need in order to produce more oil. This is an awful position for the United States of America to be in, that we are at the mercy of someone who has been an enemy of ours, whom we went to war against and lost American lives over, and we are negotiating with them. It underscores how vulnerable we are because of a lack of an energy policy.

(Mr. ALLARD assumed the Chair.)

Mr. WARNER. Mr. President, on that point, this has been a great concern to me in my responsibilities on the Armed Services Committee. As the three of us are debating here in the spirit of the Senate, we have aviators flying missions over Iraq, containing that nation from further aggression, further human rights violations, possible further aggression from the very members of the OPEC cartel to which the distinguished Senator just referred having this meeting. They are risking their lives. What are we asking Americans to risk their lives for, at the same time we are sending spare parts to Iraq to increase oil production?

I asked in the Armed Services Committee the other day what, if any, commitments we made. I was assured by administration officials there was none. Iraq came up here the other day and committed to the world market 700,000 barrels as part of the 1.7, which my distinguished colleague from New Mexico just addressed. Then, at the same time, we have naval units in the Persian Gulf, right off Saudi Arabia, off the Emirates, off Kuwait, right off the coast of these nations, risking sailors' lives, and other nations have joined. Great Britain is flying with us over Iraq. They are taking risks as they try to enforce the embargo of the illegal export of oil from Iraq which, I understand from one of our colleagues, is coming now into the United States. How can we ask these young men and women flying these missions to take the risk of life in the face of this flawed energy policy?

I thank my colleagues. This has been a very good debate. I started off solo, and little did I know I would have the support of my two distinguished colleagues. I thank them both.

Mr. DOMENICI. Mr. President, before I conclude on this subject, after which time I want to make a short speech about TED STEVENS, my friend and everybody's friend here in the Senate, I want to talk about this administration for a minute.

Nobody will deny that President Bill Clinton is about as articulate and as smart a President as we have ever had. He can get on television and tell us things, and people believe him. When in fact we are doing things, it is good to have a President like that because people find out what we are doing.

As I look back on this administration now, I used to say there are two difficult things—because I am a budget man, a fiscal policy guy; that is what I have been doing around here. I used to say there are two major problems left for America. If we solve them, we have our fiscal policy house in order like we never thought we would. We are going to be on the path of surpluses, of low taxation, which is when America does well, when we are taxed at low levels. That is one of the most significant differences between our country and its business success and production of jobs and employment and those who compete with us. We tax business low, not high. We let business pay money to employees, not to welfare programs. This is pretty exciting stuff.

One of the two things we never fixed is Medicare, which is in no better shape today than when the President walked into the office. In fact, it is closer to bankruptcy. No major reform. No prescription drugs. I used to say that. Then I would say the other one that is major is Social Security—this gigantic program that has taken so many seniors out of poverty, and we all have to be proud of that. I used to say, if this President would leave us a permanent solution to that, he would leave a great legacy. But he has ignored the two big problems of the country.

Tonight, as Senator VOINOVICH was on the floor talking, I was reminded that there is a third problem America has that this President has not touched, which is America's dependence on crude oil from foreign countries to operate our cars and use in our daily lives, almost to the point that we could not survive without it. What has happened? Growing dependency. It used to be that I thought when we got to 50 percent, I would join Senator Bentsen, or someone, on the floor saying put a program out. The prediction is that we will be at 65-percent dependency in the next 10, 15 years.

It is not so important that we are 65-percent dependent, but when you are that dependent, if somebody decides to cut your supply by just a million or two out of the 65, the prices go up. That is what is happening right now. The world needs X amount, and they are producing about X minus 2.5 or 2.7 million barrels a day. Look at what happens to the prices.

So we became vulnerable during this administration, which kind of happily moved along saying: Isn't it neat? We have cheap oil, and it's feeding this magnificent economic growth, and, boy, aren't we on the gravy train?

Tonight, we are talking about the fact that that is not a gravy train. We are really in big trouble as the world's most powerful nation, and not a constructive thing has happened, unless one concludes it is constructive to have Secretary Richardson going to all these nations—some of them twice, some three times, I assume—urging that they can't hurt their friend America by continuing to underproduce oil. We have to produce more so the price will come down. That can't be an energy policy—to go out to those big countries and rely on your friendship to get some relief; that is not an energy policy.

How can we, as a great nation, say to our children and grandchildren: That is the legacy we are leaving you? Boy, we hope we have a great Secretary of State and a great Secretary of Energy in about 8 or 10 years, so they can meander around the world and know all these leaders and go there and have dinner with them and talk about being their great friends. What if it turns out that in a few years they are up to here with us?

Some are already saying it. We have been so inconsistent with Kuwait, our business friend, that they are asking publicly: What is it America wants of us?

They have been trying to be helpful. We saved them. Incidentally, while we saved them, they paid an awful price in terms of dollars to pay for that war. America didn't pay much for that war. Between Kuwait, Saudi Arabia, Japan, and others, they paid almost every penny for the cost of that war. It was the slickest thing you ever saw. I was sitting with the man who worked with the President and who set all of it out in a formula for how these countries would pay. They paid it. We were thrilled to have those countries go out and pay for that war. They paid for it. They went into hock and mortgage to pay for it.

They are wondering: What do you want of us, America? We are trying to do everything you are asking of us. But we don't know what to do.

That is pretty tough stuff to come from one little country. It is little. But for a small country, it has more barrels of oil under each square piece of its earth than any other similar piece of soil in the world. That is Kuwait. It is small but hugely laden with oil supplies.

I am delighted that the gas tax pumps Senator VOINOVICH up enough to come to the floor and not only talk about that gasoline tax which pays for our highways. No matter what it was for when it was passed, it is now in our highway trust fund. It is part of the formula that we used.

I will tell you, if you temporarily repeal it for 1 year, it will not hurt the allocations for the year 2001. Everybody will get what they currently plan on getting. But that means we have to eventually put the money back in.

We are running around talking about trying to pay for future military needs and trying to take care of some new Medicare needs, if we can get reform, and, frankly, we ought not to be cavalierly talking about these billions that we are going to have to take out of the general fund.

I want to say for the record so everybody will know when they hear about their gasoline tax that the rule of thumb is for every penny of tax for roads and the like, the U.S. Government gets $1 billion. That is a pretty rough calculus. If it is 4.3, it is about $4.3 billion. If it is 18 cents that is repealed temporarily, or otherwise, it is about $18 billion. That is per annum, per year. The rule of thumb still applies. It applied a few years ago. Nobody has changed it, to my knowledge right now. It might change as the price goes up. We may see some change. But I don't think so because these are not percentages. They are pennies per gallon.

ALASKA'S MAN OF THE CENTURY

Mr. DOMENICI. Mr. President, I wish to make a few remarks about a friend of mine. I will have been in the Senate at the end of this year for 28 years. When I arrived, a Senator was already here named TED STEVENS from the great State of Alaska. He was strong, articulate, and he was tough. He was moving up in the ranks.

There are approximately 6 billion people alive on this Earth right now, and only 619,000 of them are living in Alaska. After a long process, it was decided that Senator STEVENS should be the ''Man of the Century'' for Alaska.

We have all attended banquets and events for the ''Man of the Year'' or the ''Woman of the Year.'' But Alaska did it up right. They found one of their own, and said: If you look at the century—for part of which they certainly were not in the United States—who is the man of that century? And it was