

going to buy a gun, it does not matter whether it is in a gun store or at a gun show, you ought to have to have your name run through an instant check so we can make sure we are not selling a gun to a felon.

Those two issues—trigger locks for handguns for the safety of children in this country, and closing the gun show loophole—have meant that the juvenile justice bill, which is so important, is now in conference, and apparently we can't get it out. I hope we can be more sensible about this and get that bill out of conference, bring it to the floor of the Senate and the House, and get it to the President for his signature.

There are other items we continue to struggle with, such as the issue of school construction.

I have spoken at great length about walking into the Cannon Ball School and seeing little Rosie Two Bears, a third grader, who says: Mr. Senator, are you going to build me a new school?

I said: No, I don't have the money to build you a new school, Rosie.

This is a school with 150 kids, one water fountain, two toilets, and closings of the school building which is not fit for classes, where sewer gas comes up and they have to evacuate the rooms. Rosie isn't getting the kind of education we want for her as an American.

When we say let's help rebuild, renovate, and construct some of America's schools to bring them back up to standard, we are told, no. You can't do that. That is not the Federal Government's job.

It is interesting. There was a piece in Newsweek by Jonathan Alter, a rather interesting columnist. He said about 4 or 5 years ago the Congress decided they were going to spend \$8 billion to upgrade jails and prisons. The State and local governments absolutely spent the money for jails and prisons. The Federal Government can upgrade the jails and prisons but not the schools. Is it less important to bring schools up to standard than a jail or a prison somewhere?

If we can spend \$8 billion to improve places to incarcerate criminals, we ought to be able to spend a few billion dollars to help kids go into a classroom door in a school that we as parents could be proud of. That ought to be done in this session of the Congress as well.

Judicial nominations, we want to get through. We don't have a committee in this Congress for lost and found. Almost everywhere else—hotels, airports, every other institution—when you lose something and ask where the lost and found is, they send you there. There is a lost and found over there. In Congress there is no place you can go to the lost and found. Maybe we need a committee on the lost and found. When these policy issues leave here, you never hear from them again.

I hope that in the coming days Republicans and Democrats together can

decide that there are certain common elements to an agenda that will strengthen this country and make this a better place in which to live. I don't believe that we have a circumstance where one side of the political aisle is all right, and the other side all wrong. That is not the case. We have good men and women serving in this Chamber on both sides of the political aisle. But it remains a frustration that in some areas where we have passed legislation, it gets sent to a conference somewhere never to be seen again because a small minority refuses to accept sensible judgments of the majority in both the House and the Senate.

I think that is the case with the Patients' Bill of Rights with respect to the vote in the House, and certainly is the case with juvenile justice and decisions in the Senate on things such as trigger locks and also closing the gun show loophole.

I hope we can find a way to address some of these important issues in the coming weeks and months.

I hope we can demonstrate to the American people that we care about education and health care, address the crime issue in a thoughtful way, get nominations through this Chamber, and appoint Federal judges to fill vacancies, which are things that represent part of the agenda that needs to be completed as soon as possible in the Senate.

Mr. President, I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. The leader is correct. Under the previous order, the leadership time has been reserved.

#### SENATE SCHEDULE

Mr. LOTT. Mr. President, I will talk a few minutes about the schedule for the week and then comment specifically on some of the issues we will be addressing during the schedule for Tuesday, Wednesday, and Thursday.

We have several important issues before the Senate to take up and hopefully complete action on. One of them is the question of our national energy policy. That will be brought to the Senate during the day on Tuesday with a vote on the gas tax issue.

Following that, we will be discussing the marriage penalty tax. This past Saturday, I had occasion to be in a store and one of the other customers asked me: Are we finally going to get rid of the unfair marriage penalty tax? I said we would try to and hoped to do it this week.

I went on about my business and the customer went on about his. The customer came back later and said: Do you think you actually will begin to eliminate the very unfair tax? I said: That is what we are trying to do.

Then he came back a third time and said: You are going to have a vote next week? I said: Yes, we are. He asked if he could get the names of those voting against getting rid of the unfair tax. I said: Yes, it will be in the RECORD. Call my office; we will be glad to get it to you.

That is what we hear in the real world, off of Capitol Hill. People say this is a real problem.

We have been talking about eliminating the marriage penalty tax for years. It is time we get it done. We will have that debate on Wednesday and, I presume, a vote Wednesday or Thursday to see exactly where the Senate is: Do we want to eliminate the marriage penalty tax or not? I think we should. I certainly will vote that way.

Before the week is out, we hope to take up a number of Executive Calendar nominations. We have a number of nominations that we should be able to clear. We will work with interested Senators and committees involved on both sides of the aisle to see if we can clear a number of these nominations.

Last and certainly not least is the fact we will also want to complete action on the conference on the budget. We completed action on the budget resolution of the Senate on Friday. I understand the conferees will be working together during the next 2 days, hopefully, to file the necessary report by Tuesday night. Then we will have the necessary debate, whatever time that might be. It could be up to as much as 10 hours. Then we will have a vote on that conference report Thursday evening or Friday morning.

That leads me to another point I want to be sure to make early in the week. As I have notified Senators in the past, during these weeks right before a recess—in this case the Easter recess—we will go home and be with our constituents and families. Senators should anticipate the possibility or even the likelihood of votes on Friday. If we can complete the work I have outlined by Thursday night then we will not be in session on Friday. But if for some reason we have not been able to complete at least the vote on the conference report on the budget, then we will be in session on Friday. We certainly hope to finish it by noon on Friday, but that will depend on how much time is needed and when the Senate wishes to get to a final vote.

I wanted to go over the schedule for the week so Senators know what to anticipate on Tuesday, Wednesday, Thursday, and the possibility even of Friday votes on the budget resolution conference report.

Now let me go back and talk about some of these issues, to try to make clear what I am trying to do by moving

these bills, and explain what the situation is with regard to the gas tax, for instance.

There have been those who said the Senate voted last week during the debate on the budget resolution on a sense of the Senate that basically the Senate would not temporarily suspend or in any way remove the gas tax.

The Federal gasoline tax is 4.3 cents a gallon. That was added back in 1993. But the total amount of the Federal tax is 18.4 cents a gallon. I remind my colleagues, that does not count the State taxes and in many cases local taxes on gasoline. Where I am from, we even have, in addition to the State and Federal taxes, what is known as the seawall tax.

That is quite curious because quite often we do not see anything happening on the seawall, but the tax is being collected and spent on general improvement of roads. Most people do not gripe because we have a developing area and we want to have good roads. I think that is a very important thing.

But, as a matter of fact, the total tax on gasoline in most States is as much as a quarter or a third or more of the total cost of a gallon of gasoline. So the taxes on gasoline are significant.

With regard to this vote last week, the so-called Byrd sense-of-the-Senate resolution said it is the sense of the Senate that the functional totals in this budget resolution do not assume the reduction of any Federal gasoline taxes on either a temporary or permanent basis. What we will be considering today and tomorrow morning in our gas tax bill is specifically designed to make certain that highway spending, and thus the functional totals, are not changed by our gas tax suspension.

Therefore, the spending assumptions in the budget resolution do not assume the reduction of any Federal gas taxes on either a temporary or permanent basis. The revenue levels in the budget resolution, however, do assume a temporary suspension of the 4.3-cent-a-gallon so-called Gore tax increase.

If the Byrd amendment had been drafted to read, "it is the sense of the Senate that the functional totals and the revenue levels in this budget resolution do not assume . . ." then it would have had a very different impact. So I am trying to clarify the difference in what some people thought the resolution did last week and what we are actually doing.

Under the budget resolution, there is no question we could have this debate and have this vote on gas tax because this is what it would do. It says we would temporarily suspend, just for the remainder of this year, 4.3 cents a gallon—I will come back to that in a moment—and, if gasoline prices go to \$2 a gallon national average, then the entire 18.4 cents a gallon would be suspended in a gas tax holiday just to the end of the year.

So when people say, How much would this cost? The first answer is it would depend on whether or not gasoline

reached the national average of \$2 a gallon and when that would occur, when that would take effect.

The amendment language is drafted so this will not affect the highway trust fund. I want to emphasize that: It will not reduce the funds in the highway trust fund. It would hold harmless the highway trust fund. If there is this gas tax holiday, it would come out of the surplus.

I remind my colleagues, we do at this point have a \$23 billion on-budget surplus now; that is, surplus in addition to what we have as a result of the FICA, Social Security tax. So there is a surplus there. While we would like to protect that surplus as much as possible and not use it, or see it used to pay down the national debt, this is what I think to be a reasonable way to use some of it, if gasoline prices should actually go up to \$2 a gallon.

What I am saying is, there is no difference between what we are trying to do and what the Byrd sense-of-the-Senate resolution said. He was trying, I believe, to make sure it did not come out of the highway trust fund. As a matter of fact, this amendment is drafted in such a way it does not.

Let me remind my colleagues how we got to this additional 4.3-cent-a-gallon gas tax. It was added in 1993. In the Senate, it passed on a tie vote with the Vice President, Vice President GORE, breaking that tie. There was a big debate about whether or not we should be increasing the price of gasoline by raising this tax in the first place.

But there was an even more important, very telling point, and that was, in this case the gas tax would not go into the highway trust fund but it was going to go into the General Treasury to be used for any number of purposes by the Federal Government, not to build highways and bridges and to improve urban mass transportation and rail service or anything of that nature, just to go into the big, deep, dark hole of the Federal Treasury.

By the way, I think about \$21 billion of gas tax revenue went into the General Treasury. But then in 1997 Congress changed that and said no, this is a gasoline tax and it should go, like other gasoline taxes, into the highway trust fund. So it started going into the highway trust fund.

With regard to what we are trying to do here, the elite Washington position is: Oh, what difference does 4.3 cents a gallon make? We can afford that.

Yes, maybe, if you live and work on Capitol Hill or for the Federal Government. But if you are out there in the real world, and you are a working family, and you are driving 100 miles a day round trip to get to an industrial job, or to get to where your employment is, while it still will not add up to a lot of money, when you are a blue-collar worker, when you are a union worker, working at a shipyard or International Paper mill, a few dollars more a week in the price of gasoline does make a difference. It comes right out of that family budget.

So it is typically what you get here in Washington, the elite attitude: Well, it will not make that much difference. But it is not only the individual who is paying those higher gas taxes, it also affects smaller business men and women. It affects barge operators on our rivers and inland lakes across America. It affects the truck driver who, by the way, if he is an independent driver—he owns his own rig, he drives not a few hundred miles a week, he drives many hundreds of miles a week up and down this country and back and forth across this country—it is hitting him or her very hard because he is paying this extra cost to run those trucks.

Or, if you are in a business that involves a lot of trucks, a lot of heavy equipment, such as road construction or sand and gravel work, you have seen the cost of doing business go up considerably. It is not a few dollars, it is not hundreds of dollars, it is thousands of dollars in cases such as that.

By the way, that comes right out of the bottom line because quite often you are carrying out a contract for which you have already submitted a bid, you have a price agreement, and now you see you are having to take this extra cost right out of getting this job done. So it is having a real impact.

The next argument against reducing the gasoline tax, or having a gas tax holiday, is that: Look, this is temporary. It was just a spike up in the price of gasoline. We did not see it coming. We were caught napping—according to the Secretary of Energy, Secretary Richardson—and the OPEC countries will open the spigot up a little bit and everything will be fine, prices will go back down.

Maybe they will. They have ticked down some in some areas, although I bought gasoline on Saturday and it cost \$1.63 a gallon, and that was not the premium; premium was more than that. In some places it is more than that, in some places it is probably less than that. So maybe it will come down and maybe it will stay down, but I think maybe it might, as a matter of fact, tick back up because world demand is going to exceed supply. We are going to be drawing down reserves around the world. So I am concerned it could go back up, in addition to the fact it is still very high.

So this is an issue we should think about. We should be careful how we proceed. But we should have this debate. It is bigger than just gasoline price and the Federal gas tax, although, I repeat, to a lot of working people it has had an impact and it will continue to do so.

There is a broader question involved, and that is: What is our national energy plan? What are we going to do about the price of fuel, alternative fuels, conservation, environmental impact? All these questions are looming.

I do not think we have a true national energy plan for the future. Our dependence on foreign oil has gone

from 45 percent of our needs 10 years ago to around 55 or 56 percent now. I think it is going to go over 60.

What are we going to do? Are we comfortable with that? Are the American people comfortable with that? I do not think so.

In the early seventies, we had the higher prices. We had the gas lines. Nobody liked it. People really got mad. We put forth a lot of effort in Congress to develop a national energy plan and to make ourselves less dependent on oil. It has not worked. It has gone the other way.

We need to ask ourselves what we are going to do about this. What if the OPEC countries and other countries from whom we get our oil decide to cut the spigot down or cut it off? Economically, we would be in a real mess quickly.

We have the Strategic Petroleum Reserve, which is something we did in the aftermath of the last price increase and the long lines. We have SPR filled up so if we have a national emergency, we can use it for about a month.

Is that enough? Should we do more? What are we going to do in the broader sense? I view this current upward spike as another knock on the door, another tap on the shoulder: Hey, America, you have a problem. You are dependent on Libya and Qadhafi; you are dependent on Iraq for about 700,000 barrels of oil a day. Are you comfortable with that?

When I go home, I have people come up to me and say: Aren't these the same people we went to war for a few years ago? And now they are turning the spigot on and off, and the prices go way low or high. Is this what we want? I do not think so. It is very dangerous.

Then one may ask: What is going to be done? What can be done? We do need to look for more oil reserves of our own. We need to give incentives for our men and women, our independents, our wildcats, the small operators, and the big ones, to find more reserves, to make use of these oil wells that are capped right now. There are a few in my own State and certainly other places around the country. We ought to see if there are other places we can open up.

The Senate voted last week against an amendment that would have prevented using the reserves in ANWR in Alaska. I believe we can get at those oil reserves without causing environmental damage, and we should do that.

It is not just about more oil. The President said we should look at alternatives. I agree. What are the alternatives about which we are talking? One is natural gas. When I sit on my front porch in my hometown of Pascagoula, MS, looking off to the south and the east, I see a natural gas well. I believe natural gas is a good alternative. It is clean, and we can make a lot more use of it if we provide some incentives for making greater use of natural gas. We have tremendous reserves of natural gas. So much of it is in the ground; so much has been capped

because it has not been worthwhile to get it out. That is an alternative that is environmentally safe, and we have lots of it. That is one option.

Also, in my part of the country we use coal to provide electricity to our people. It is cheap, and it also is clean-burning coal. Our companies have taken actions to deal with the emissions problems. Yet EPA today is putting genuine hard pressure on five companies in America, including Southern Company in our part of the United States, that will drive up the cost and will cause real problems using coal as their fuel supply in the future.

That is one alternative we ought to keep. We ought to find more oil; we ought to make use of natural gas; we ought to continue to find ways to burn coal with clean technology, with modern technology, but also that it is clean coal being burned.

The next thing is nuclear power. Nuclear power is clean. There is nuclear power already in Europe, China, and Japan. Yet we have been trying for years and have spent billions of dollars finding a repository for nuclear waste. The Senate passed a bill, I believe, two or three times, and the President is threatening to veto a very carefully thought out procedure of a repository for nuclear waste.

Sooner or later, if we cannot deal with that problem, our nuclear plants will be faced with the threat of shutting down. If we do not explore for more oil, if we do not make greater use of natural gas, if we put limits and make it difficult to use coal, if, as a matter of fact, we cannot use nuclear power because we cannot come up with a proper way with which to deal with nuclear waste disposal—talk about an environmental problem. Deciding how to deal with nuclear waste is the biggest environmental problem in America today. We have been batting that ball back and forth for 10 years or more, and we still have not resolved it.

If not oil, not natural gas, not coal, and not nuclear, what? Solar and wind? That will help some, but the statistics I have seen show that will provide a very small percentage of our needs. Ethanol—I have supported ethanol. I just do not believe wind and solar, ethanol, and alternative sources beyond the ones I have been talking about will solve this problem.

I hope, as a result of the debate today and tomorrow, we will admit that we do not have a national energy policy, that we are dependent on foreign oil and are going to be for the foreseeable future unless we sit down, think this through, and come up with some ideas on how to proceed.

I have urged the committees of jurisdiction—the Energy and Natural Resources Committee, the Foreign Relations Committee, and other committees—to have joint hearings or have hearings and ask questions about these long-term problems of how we are going to deal with these issues. I hope after we have this debate and votes to-

morrow, we will have a broader, general energy package that will begin to address these long-term problems. I am concerned about it. I hope the Senate will step up to this issue and make a difference beyond what we have done in the past.

The second issue on which the Senate will be working this week is the marriage penalty tax. I believe most Americans have some idea by now of what it is. There have been different proposals on how to deal with it. Some of the arguments are: Yes, but if you are married, you get certain bonuses. I do not think that applies to what we are trying to deal with here.

The fact of the matter is, if you are a young couple or, as we realized last week, an older couple—couples married 25 years get hit with a marriage penalty tax, but for young couples it is particularly startling.

I found that to be the case with my own family. Our daughter got married last May. She has been hearing talk about the marriage penalty tax, so she decided to find out what that would mean for her. She and her husband both work. Together, they have a pretty good income, although they are certainly not wealthy, but they are in that middle bracket. She figured it would cost them about \$500 more this year in taxes because they got married.

By the way, it is going to escalate over the next few years to about \$1,400 a year. This is just basically wrong. We should encourage people to get married. We should not in any way discourage them by saying: Oh, by the way, if you do get married, you will pay more in taxes.

Some people will complain the package that came out of the Finance Committee is too big; that, as a matter of fact, not only did we deal with the low-income people by increasing what was in the House bill for the so-called earned-income tax credit, EITC, we also said we will double the 15-percent bracket and the 28-percent bracket because we do think if a marriage penalty tax is wrong, it should be wrong for everybody. It should not be wrong just for the entry-level, lower income people; it ought to be also unfair for the upper lower income bracket and the middle-income bracket; as a matter of fact, right across the board.

But we at least broadened its application to the middle bracket to make sure, if you have a young couple who are both working—whether they are in blue-color jobs or whether they are in entry-level professional jobs—they should have this penalty eliminated.

Senator MOYNIHAN of New York, and others, have an alternative proposal. I think it is worth considering. In fact, if we could afford it, I would like to have what we are doing and what Senator MOYNIHAN is proposing in terms of—I guess it is the income splitting option. But I think we ought to have that offered and debated.

I think we can come up with a way that we can have a full debate where

there could be amendments with regard to the marriage penalty legislation. I hope we can reach an agreement on how that would come up. Then on Wednesday and Thursday, we would debate the alternatives and we would have a vote. But it is long overdue.

I hope we can do as we did on the Social Security earnings limitation. We passed it unanimously in the Senate. A lot of people said: Oh, gee, that was so easy. Why didn't you do it before? We have been talking about it for 20 years. We couldn't get it done.

They said it cost too much or that senior citizens didn't really need it or it was a part of a package. But for some reason or another—for years and years—it did not happen. Finally, we isolated it, passed it clean, and passed it overwhelmingly.

The President had a big signing ceremony last week saying: Finally, we have eliminated the Social Security earnings test. Good. The main thing is our seniors who are between 65 and 69, who want to continue working without being penalized in their Social Security benefits, are going to have that opportunity.

But I think the same is true here. It is clear now we have isolated it. The marriage penalty tax is not connected to incentives for people to adopt children. It is not connected to the death tax or the estate tax. It is not connected to anything else. We are just going to have a debate about the marriage penalty tax. Senator HUTCHISON of Texas and Senator ASHCROFT of Missouri, and a number of other Senators on both sides, are going to say: We ought to do this. This is the way to do it.

But in the end, this is the point: We are going to see this week if the Senate is for eliminating the marriage penalty tax or not.

The guy in the store where I was shopping is going to have a list of the names of those who vote against it. I hope the Senate will step up to this and that we will begin the process of totally eliminating the marriage penalty tax.

Then, finally, on the budget resolution, I hope we can get a final agreement on the conference report and that we will pass it before the end of the week so we can go forward with our appropriations bills. That is a very important part of what we need to do this year; that is, pass the 13 appropriations bills for Agriculture, for defense, for the Interior, and for all the various Agencies and Departments of the Government, and more importantly for the American people.

We ought to do it earlier than usual. There is no reason why we should wait until June or July to do the appropriations bills. Let's get started in May. Let's move them earlier. That is where we can include things that we think should be done.

For instance, on the foreign relations bill, I think we should provide aid for Colombia to fight the narcoguerrillas

and try to get control of that drug war there. I think we ought to do it, and do it on the foreign relations bill.

With regard to Kosovo and defense, the first bill that comes along, whether it is MilCon—military construction—or the defense bill, I hope we will add that additional funding. This budget resolution conference report will get all of that started.

Then I think important, once again, is, we should give credit to the Budget Committee and to what we are doing in the Congress as a result of this budget resolution. No. 1, for the third year in a row, we have the ability to have a balanced budget—3 years running now. Before that, we had not had one since 1969. Yet this year we have the ability to do that for a third time, and to protect every cent of the Social Security trust fund income. Every cent that comes in from FICA taxes will be preserved and set aside and will not be spent on other Federal Government spending programs.

I do not know exactly what that amount would be for the coming year, but it would be significant. I think maybe the figure is approximately \$160 billion, or something close to that. But over a 10-year period, it will be \$1 trillion. By not spending it, that is good for the program, it is good for technology, and we can pay down the national debt.

Over a 3-year period now, I understand we may have reduced the national debt by somewhere more than \$300 billion. A lot of people never thought they would see the day come when we would actually begin to pay down the national debt.

If we stay on the path we are on, if we stay on the trajectory we now see with technology—and a lot has to happen; we have to have good fiscal responsibility, monetary policy, stable energy prices, right across the board—but if those things will stay within the ranges we are looking for, we could reduce completely the national debt by the year 2013 or 2015. That has not been done since Andrew Jackson was President of the United States. That is really an amazing thing.

If we can continue to keep in place policies by congressional actions, and by monetary policy, and by the administration, and see economic growth year after year of around 4.5 percent—and in recent years it has been more than that; but just 4.5 percent—it would have a tremendous impact on the economy and the explosion of revenue coming into the Social Security trust fund.

When we come to the point, over the next 2 or 3 years, where we are going to have fundamental reform of Social Security, to make sure it is preserved, protected, and, as a matter of fact, it is there for our children and our grandchildren in a way that will be meaningful to them, just that growth in the economy of 4.5 percent will give us the options we need to have a very strong program that will go not just into the

year 2040 but go throughout this century.

I think these are very important issues. This is going to be an interesting week to have debate. When we complete that budget resolution, it will be a very positive action and will set the course for not only this year but well into the rest of this decade.

Mr. President, I have been looking forward to this opportunity to have this debate and have these votes this week. I look forward to that process as we go forward.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to restore the remaining, I believe, 15 minutes of the hour that was reserved on the Democratic side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### GAS PRICES

Mr. DORGAN. Mr. President I enjoyed listening to the majority leader. I have always worked well with him, although we have different perspectives and a different philosophy and opinion on some issues. I have worked with him both in the House of Representatives and here in the Senate. When I listen to him I am always reminded why I have always liked him personally. He is a good person. I appreciate his public service.

There are some things on the agenda, however, that we might not agree about. I want to comment about a couple of those issues, especially with respect to an agenda item this week dealing with the repeal of the 4.3-cent-a-gallon gas tax, which is set for a cloture vote tomorrow afternoon here in the Senate Chamber.

My expectation is that the cloture vote will fail. I am not certain of that, but that is my expectation. Just hearing some of the comments and some of the statements that have been made previously, I expect that cloture vote will fail, and I think justifiably so.

Let me describe why.

I think the price of fuel in this country is a pretty tough pill for the American people to swallow. What has happened is the price of gasoline has spiked up. It is not because the free market has caused that. It is because we have a cartel called the OPEC countries that are limiting production and increasing the international price for their product.

That is not the free market. That is monopoly pricing. They have the strength and, I guess, the opportunity to do that. What they have done is, of course, impose a significant new charge on American families, on family farmers, producers, manufacturers, drivers, and others.

There was no vote on that. That was something the OPEC countries did. We