

as the one described by my friend from Pennsylvania.

Mr. President, with 1 minute to spare, that concludes the introduction of all amendments pursuant to the unanimous consent agreement of last week.

I repeat, if Members wish to speak to these amendments, they may do so after the conclusion of all of the votes on H.R. 4810, which will begin almost immediately. These amendments, to the extent that they require rollcall votes, will be voted on tomorrow, with the exception of the Bingaman amendment. It has 15 minutes for debate tomorrow.

Mr. REID. If the Senator will yield, I think we agree that we have heard adequate explanation previous times about these amendments. The Senator is not soliciting more comments, is he?

Mr. GORTON. The Senator from Nevada states my position perfectly.

MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000

The PRESIDING OFFICER. Under the previous order, the hour of 6:15 p.m. having arrived, the Senate will resume consideration of H.R. 4810.

The assistant legislative clerk read as follows:

A bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

AMENDMENT NO. 3876, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent, on behalf of Senator DODD, that his amendment No. 3876 be withdrawn from consideration with respect to H.R. 4810.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. President, what is the regular order?

The PRESIDING OFFICER. The question is on the motion to waive by the Senator from Delaware.

AMENDMENTS NOS. 3868 THROUGH 3873,
WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent to withdraw all six of my pending amendments.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. I second the motion.

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

There are 2 minutes of debate equally divided on the motion of the Senator from Delaware to waive.

Mr. REID. I couldn't hear the Chair. What did the Chair say?

The PRESIDING OFFICER. There are 2 minutes of debate equally divided.

Mr. REID. But the amendments of the Senator from Alaska were withdrawn. Is that right?

The PRESIDING OFFICER. Yes.

MODIFICATION OF MOTION

Mr. ROTH. Mr. President, it was my intention when I moved to raise this point of order, the waiver for the Lott wraparound amendment, that it be a comprehensive waiver to this point of order for the different permutations of the earned-income tax proposals contained in both the majority and minority proposals. However, the majority leader subsequently offered an amendment that will be considered later.

I ask unanimous consent that the Lott amendment be included in the original waiver that I raised.

Specifically, the new motion is to waive all points of order under the budget process arising from the earned-income credit component in this pending tax—the amendment by Senator MOYNIHAN, the amendment offered by Senator LOTT, the House companion bill, any amendment between the Houses, and any conference reports thereon.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REID. Reserving the right to object, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Does he yield for a quorum call?

Mr. REID. Isn't his minute up?

Mr. MOYNIHAN. Mr. President, there is no quorum call.

I urge the adoption of the chairman's proposal.

The PRESIDING OFFICER. The chairman has requested a modification of the motion.

Is there objection?

Mr. MOYNIHAN. As modified, sir.

The PRESIDING OFFICER. Without objection, the motion is so modified.

Mr. ROTH. Mr. President, I ask that we vitiate the yeas and nays on the motion.

The PRESIDING OFFICER. Is there objection to the substance of the motion, which is now a unanimous consent request?

Without objection, it is so ordered.

The revisions are so adopted.

Mr. MOYNIHAN. That is the spirit. Let's get on with it.

Mr. ROTH. All right.

MOTION TO COMMIT

The PRESIDING OFFICER. The question is now on the motion of the Senator from Wisconsin to commit the bill to the Finance Committee.

Who yields time?

Mr. WARNER. Mr. President, the Senate is again considering legislation that will provide, at long last, relief from the marriage tax penalty.

The marriage tax penalty unfairly affects middle class married working couples. For example, a manufacturing plant worker makes \$30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home \$30,500 a year in salary. If they both file their taxes as singles they would pay 15 percent in income tax. But if they choose to live their lives in holy matrimony and file jointly, their combined income of \$61,000 pushes them into a higher tax bracket of 28%. The result is a tax penalty of approximately \$1,400.

The Republican marriage penalty relief bill eliminates this unfairness without shifting of the tax burden and without increasing taxes on any individual. Middle and low income families would benefit as much as earners with higher incomes.

According to the Congressional Budget Office, almost half of all married couples—21 million—are affected by the marriage penalty. Over 640,000 couples in Virginia are affected, according to one study.

Most of the tax relief under our plan goes to the middle class. The Congressional Joint Committee on Taxation's distribution analysis estimates that couples making under \$75,000 annually will be the biggest winners. Additionally, the Joint Tax Committee estimates that couples earning between \$20,000 and \$30,000 will receive the biggest percentage reduction in their federal taxes out of any income level, with couples making between \$30,000–\$40,000 fairing almost as well.

This money belongs to the taxpayers. With a surplus of over \$2 trillion, not including Social Security, all taxpayers are entitled to a return of their tax overpayment. In addition, the federal government, through tax policy, should not discourage either parent from staying at home with children. The government should not penalize a family simply because it takes both spouses working outside of the home to make ends meet. Being a stay at home parent should be rewarded.

The Congressional Budget Office estimates that taxpayers will send Uncle Sam almost \$2 trillion in additional surplus taxes over the next ten years—after Congress has locked up 100% of Social Security surplus and paid down the public debt. This proposal gives back to the middle class families just 10 cents out of every surplus dollar they send to Washington. As I have said before, the Federal government should not put a price tag on the sacrament of marriage.

Mr. MOYNIHAN. Mr. President, are there 2 minutes equally divided for the rest of the evening?

The PRESIDING OFFICER. That is correct.

Mr. MOYNIHAN. Mr. President, I yield 1 minute to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this motion requires we do first things first. It says we should pass marriage penalty relief, but it also says we should substantially extend the solvency of Social Security and Medicare at the same time. By 2037, the Social Security trust fund will have consumed all of its assets. By 2025, the Medicare HI trust fund will have consumed all of its assets.

To fix Social Security and Medicare, we can make small changes now or big changes later. That is why President Clinton was right when he said "save Social Security first." It would be irresponsible to enact tax cuts this size before doing anything about Social Security and Medicare. Before the Senate passes tax cuts this size, the Finance Committee should report a plan to extend Social Security and Medicare. We should do first things first. That is what this motion requires.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROTH. Mr. President, Senator FEINGOLD's motion to commit to the Finance Committee will not accomplish its stated purpose of Social Security and Medicare reform. The bill before the Senate is limited under the budget resolution to tax cuts. As chairman of the Finance Committee, I can tell you we are actively pursuing a real bipartisan Medicare reform package. Our efforts are not a political stunt, like this motion. On Social Security reform, everyone believes that it is a worthy goal but not one where there is currently a bipartisan consensus. I urge my colleagues to reject Senator FEINGOLD's motion.

Mr. FEINGOLD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Virginia (Mr. WARNER), are necessarily absent. I further announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE), would vote "no."

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 49, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—45

Akaka	Durbin	Levin
Baucus	Edwards	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Byrd	Johnson	Robb
Chafee L.	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Conrad	Kerry	Torricelli
Daschle	Kohl	Voivovich
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

NAYS—49

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Kyl	Specter
Craig	Landrieu	Stevens
Crapo	Lott	Thomas
DeWine	Lugar	Thompson
Domenici	Mack	Thurmond
Enzi	McCain	
Fitzgerald	McConnell	

NOT VOTING—6

Coverdell	Hutchinson	Rockefeller
Hutchinson	Inhofe	Warner

The motion was rejected.

Mr. ROTH. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 3849 WITHDRAWN

Mr. ROTH. Mr. President, I ask unanimous consent to withdraw Senator BROWNBACK's amendment No. 3849.

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

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Democratic alternative, amendment No. 3863, and related amendments and motions be considered next, and that amendment No. 3863 be considered germane.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, what is the pending business?

MOTION TO WAIVE

The PRESIDING OFFICER. The pending business is the Roth motion to waive the Budget Act for the amendments that would strike the sunset provisions in the bill and the Democratic alternative.

Mr. ROTH. Mr. President, the Finance Committee complied with the Byrd rule by terminating or sunseting the tax cuts in the bill generally on December 31, 2004. I note the Finance Committee Democratic alternative contained a similar sunset provision. The case before us that benefits a sim-

ple, broad-based tax policy change that reduces some of the tax burden placed on married couples, outweighs the implications of the Byrd rule.

Frankly, I think there are few more compelling cases for waiving the Byrd rule. Clearly, though, we differ on how to deliver it. Every Senator should place an importance on permanent marriage tax relief. I urge my colleagues to strike a blow for permanent marriage tax relief and support my motion to waive the Byrd rule.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I regret that I have to disagree with my chairman. The Byrd rule has proved such an important measure to maintain budgetary discipline. It has brought about the present happy circumstances; and this is no time, in our view, to move back to earlier practices which were so devastating in their effect during the 1980s.

Mr. ROTH. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

I further announce that if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "yes."

The PRESIDING OFFICER (Mr. BROWNBACK). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 47, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—48

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Cochran	Helms	Smith (OR)
Collins	Jeffords	Snowe
Craig	Kyl	Specter
Crapo	Lott	Stevens
DeWine	Lugar	Thomas
Domenici	Mack	Thompson
Enzi	McCain	Thurmond

NAYS—47

Akaka	Bayh	Bingaman
Baucus	Biden	Boxer

Breaux	Harkin	Mikulski
Bryan	Hollings	Moynihan
Byrd	Inouye	Murray
Chafee, L.	Johnson	Reed
Cleland	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Landrieu	Schumer
Durbin	Lautenberg	Torricelli
Edwards	Leahy	Voinovich
Feingold	Levin	Wellstone
Feinstein	Lieberman	Wyden
Graham	Lincoln	

NOT VOTING—5

Coverdell	Hutchison	Warner
Hutchinson	Inhofe	

The PRESIDING OFFICER. On this motion, the yeas are 48, the nays 47. Three-fifths of the Senate duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. SANTORUM. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent to have 30 seconds to make an announcement.

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

Mr. STEVENS. Mr. President, tomorrow, in S-128, models of the National World War II Memorial will be on display for all Members and staff to see. We encourage you to take a look at the models of this new memorial that will be on The Mall soon, we hope.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I yield back our time, and I raise a point of order that the Roth amendment No. 3864 to strike would worsen the Nation's fiscal position in years beyond those reconciled in the budget resolution and, thus, violates section 313(b)(1)(e) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The point of order is sustained and the amendment falls.

Mr. ROTH. Mr. President, on amendment No. 3865, I yield back the time and I will make a point of order that it is in violation of the Byrd rule.

The PRESIDING OFFICER. Does the Senator from New York yield back his time?

Mr. MOYNIHAN. Yes.

Mr. ROTH. Again, I make a point of order that this amendment is in violation of the Byrd rule of the Budget Act.

The PRESIDING OFFICER. The point of order is sustained.

AMENDMENT NO. 3863

Mr. MOYNIHAN. Mr. President, I will exercise a brief 1 minute to describe the Democratic alternative, which is now to be offered.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, this amendment can be described in one sentence. There are not many such, and I would hope the body might hear me: We propose that married couples be enabled to file jointly or singly, period, end of subject.

There are, sir, 65 marriage penalties in the Tax Code. This amendment abolishes them all. It would not allow the alternative minimum tax to take away the benefits of marriage penalty relief either. Whereas we have before us as a basic amendment that which would only take care of one marriage penalty and touch two others, here is the opportunity to get rid of them all.

In our tax system, no matter how large or small, whatever we do, we must see that the American public believes the tax system is fair. If there is a considerable judgment anywhere that something is not fair, then it ought to be corrected. Our amendment will do that, sir.

Thank you.

Mr. ROTH. Mr. President, this amendment is the same one we considered in the Finance Committee. Supporters of this amendment claim it is preferable because it is more targeted, that it only benefits certain married families, and that it provides more comprehensive marriage penalty relief.

I do not shy away from the fact that our bill benefits virtually every American family. I welcome it. The Joint Committee on Taxation tells us that our bill will help over 45 million families. They also tell us the Democratic alternative will assist only 24 million.

Our bill also addresses the marriage penalty without creating a new penalty—a so-called homemaker penalty. With our approach, all married couples with the same income will be treated alike. This cannot be said of the alternative.

Finally, the Democratic alternative includes that income cap. If we are serious about addressing the inequity of this tax, we should not make this an issue of rich versus poor. Our bill is fair, it is comprehensive, and it is the right thing to do. I urge my colleagues to oppose this Democratic substitute.

The PRESIDING OFFICER. All time has expired.

Mr. ROTH. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. ROTH. I so request.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. MOYNIHAN. Mr. President, we are now having 10-minute votes, under the previous order; is that right?

The PRESIDING OFFICER. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3863 of the Senator from New York.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Oklahoma (Mr. INHOFE), are necessarily absent.

I further announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—46

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee, L.	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Dorgan	Leahy	
Durbin	Levin	

NAYS—50

Abraham	Frist	Nickles
Allard	Gorton	Roberts
Ashcroft	Gramm	Roth
Bennett	Grams	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Campbell	Helms	Snowe
Cochran	Jeffords	Specter
Collins	Kyl	Stevens
Craig	Lott	Thomas
Crapo	Lugar	Thompson
DeWine	Mack	Thurmond
Domenici	McCain	Voinovich
Enzi	McConnell	Warner
Fitzgerald	Murkowski	

NOT VOTING—4

Coverdell	Hutchison
Hutchinson	Inhofe

The amendment (No. 3863) was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, before we proceed, I don't want to delay the proceedings too long, but we are all very much aware our friend and colleague is undergoing a difficult recovery at this time and I know he has been on our mind. I appreciate the Chaplain including him in the opening prayer this morning. Could I ask my colleagues to join me now in a moment of silence for our colleague, a silent prayer, for his speedy recovery.

(Moment of silence.)

Mr. LOTT. I thank my colleagues.

AMENDMENT NO. 3845

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Wisconsin, Senator FEINGOLD, amendment No. 3845. There are 2 minutes equally divided between each side.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this amendment cuts taxes for 7 of 10 taxpayers who take a standard deduction and ensures that many working Americans would not owe any income taxes at all. It would increase the standard deduction for individuals by \$250, and would also increase the standard deduction for heads of households. It would continue to increase the standard deduction for married couples to twice that of an individual. It is paid for by striking the provision in the bill that benefits only taxpayers in the top quarter of the income distribution by expanding tax brackets.

My amendment better targets the marriage penalty relief and would simplify taxes and free many from paying income taxes altogether. The tradeoff is clear. Strike the new benefits for the best off quarter of taxpayers to fund benefits for 7 out of 10 taxpayers.

Mr. ROTH. Mr. President, this amendment would strike the increase in the rate brackets of the underlying bill. As my colleagues may know, in dollar terms, the greatest source of marriage penalty for American families is the rate brackets. Under current law, for instance, the 15 percent rate bracket ends for singles at \$26,250; it ends for couples at \$43,850. Our bill has remedied that unfairness by phasing in a doubling of the married couples' rate bracket so that it ends at twice the ending point of the single's bracket.

While I agree that a further increase in the standard deduction is a good idea, I do not believe we should do it at the expense of the increase in the rate brackets. Accordingly, I must oppose this amendment.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3845. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Texas (Mrs. HUTCHISON) are necessarily absent.

I further announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "no."

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 56, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—40

Akaka	Harkin	Mikulski
Boxer	Hollings	Moynihan
Breaux	Inouye	Murray
Byrd	Johnson	Reed
Chafee, L.	Kennedy	Reid
Cleland	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Landrieu	Schumer
Durbin	Lautenberg	Torricelli
Edwards	Leahy	Wellstone
Feingold	Levin	Wyden
Feinstein	Lieberman	
Graham	Lincoln	

NAYS—56

Abraham	DeWine	McConnell
Allard	Domenici	Murkowski
Ashcroft	Enzi	Nickles
Baucus	Fitzgerald	Roberts
Bayh	Frist	Roth
Bennett	Gorton	Santorum
Biden	Gramm	Sessions
Bingaman	Grams	Shelby
Bond	Grassley	Smith (NH)
Brownback	Gregg	Smith (OR)
Bryan	Hagel	Snowe
Bunning	Hatch	Specter
Burns	Helms	Stevens
Campbell	Jeffords	Thomas
Cochran	Kyl	Thompson
Collins	Lott	Thurmond
Conrad	Lugar	Voivovich
Craig	Mack	Warner
Crapo	McCain	

NOT VOTING—4

Coverdell	Hutchison
Hutchinson	Inhofe

The amendment (No. 3845) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3846

The PRESIDING OFFICER (Mr. FITZGERALD). There are now 2 minutes evenly divided on the Feingold amendment No. 3846.

The Senator from Wisconsin.

Mr. FEINGOLD. The vital program known as COBRA helps ensure that people who lose their jobs do not lose their health insurance at the same time.

Mr. BYRD. Mr. President, can we have order in the Senate so we can hear what the Senator is saying?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their conferences off the floor.

The Senator from Wisconsin.

Mr. FEINGOLD. The vital program known as COBRA helps ensure that people who lose their jobs do not lose their health insurance at the same time. My amendment would expand access to affordable health insurance through COBRA in two ways. First, it would expand COBRA to cover retirees whose employer-sponsored coverage is terminated.

Employers who promise retiree coverage and then drop it will have to

allow early retirees to have COBRA-continued coverage until they qualify for Medicare.

Second, it would create a 25-percent tax credit for COBRA premiums generally. This credit will improve access to and affordability of health insurance for this very vulnerable group. The amendment pays for this health coverage by eliminating an inequitable tax loophole: the percentage depletion allowance for hard rock minerals mined on Federal public lands.

I thank the Chair.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROTH. I yield such time as the Senator from Nevada may use.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this amendment would be devastating to one of the finest industries in America today: hard rock mining. It is a net exporter of gold especially. Tens of thousands of jobs will be wiped out. These are the highest paid blue-collar jobs in America.

This amendment is bad. We should do everything we can to defeat it. Therefore, Mr. President, I move that the pending amendment is not germane and raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, pursuant to section 904(c) of the Congressional Budget Act, I move to waive the applicable section of that act for consideration of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) is necessarily absent.

I further announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 30, nays 68, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—30

Akaka	Graham	Mikulski
Biden	Harkin	Murray
Boxer	Johnson	Reed
Breaux	Kennedy	Robb
Collins	Kerry	Sarbanes
Daschle	Landrieu	Schumer
Dodd	Lautenberg	Snowe
Durbin	Leahy	Torricelli
Edwards	Levin	Wellstone
Feingold	Lieberman	Wyden

NAYS—68

Abraham	Enzi	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Moynihan
Bayh	Gorton	Murkowski
Bennett	Gramm	Nickles
Bingaman	Grams	Reid
Bond	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bryan	Hagel	Roth
Bunning	Hatch	Santorum
Burns	Helms	Sessions
Byrd	Hollings	Shelby
Campbell	Hutchinson	Smith (NH)
Chafee, L.	Inhofe	Smith (OR)
Cleland	Inouye	Specter
Cochran	Jeffords	Stevens
Conrad	Kerrey	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
DeWine	Lincoln	Voivovich
Domenici	Lott	Warner
Dorgan	Lugar	

NOT VOTING—2

Coverdell	Hutchinson
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The PRESIDING OFFICER. On this vote, the yeas are 30, the nays are 68. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The amendment would add new subject matter to the bill and is therefore not germane. The point of order is sustained. The amendment falls.

The Senator from West Virginia.

EXPLANATION FOR NOT VOTING

Mr. ROCKEFELLER. Mr. President, on vote No. 198, I was unavoidably detained. I apologize for that. I missed the first vote. Had I been present, I would have voted aye.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3847

Mr. HARKIN. Mr. President, I call up my amendment.

The PRESIDING OFFICER. Amendment No. 3847 is pending. The Senator has 1 minute.

Mr. HARKIN. Mr. President, if we are for equal pay for women and men who do the same work, then this is the amendment to do it—the Paycheck Fairness Act, which was introduced under Senator DASCHLE's leadership. It provides stronger remedies in wage discrimination cases and provides resources to educate employers on wage discrimination. It ensures that women cannot be retaliated against for sharing their pay information with fellow employees.

It is time to stop giving America's women lipservice for equal pay for equal work, but to actually do something to make it happen. That is what this amendment does. I urge its adoption.

Mr. DASCHLE. Mr. President, as we discuss the tax code and the issue of fairness for families, Senator HARKIN has offered an important amendment to address an issue of fairness faced by millions of working women and their families. Senator HARKIN and I have worked hard to craft legislation that addresses the wage gap between men and women in this country. This

amendment is modeled after my bill, S. 74, the Paycheck Fairness Act. In an era characterized by economic opportunity, it is time for the Senate to consider how America's prosperity can be broadly and fairly shared.

While much has changed over the past 35 years, one thing has remained the same: the wage gap between men and women. When President Kennedy signed the Equal Pay Act in 1963, a woman earned only 59 cents for every dollar earned by a man. This landmark bill reduced the pay gap and helped women make great strides to narrow the pay gap. Nonetheless, 35 years later, women, on average, continue to earn only 73 cents for every dollar earned by a man. This disparity is patently unfair. The time has come to improve and strengthen President Kennedy's landmark law.

Some have suggested that the pay gap is insignificant, but working women know better. Even after accounting for differences in education and the amount of time in the workforce, a woman's pay still lags far behind the pay of a man doing the same work. This persistent wage gap doesn't shortchange just women. It shortchanges families. The wage gap causes the average American working family to lose more than \$4000 a year. In fact, it is women's salaries that often bring children and families out of poverty. And families suffer more in South Dakota than in most states because we have the highest percentage in the nation of working mothers with children under the age of 6. These mothers deserve equal pay for equal work.

To address this serious problem, the Paycheck Fairness Act uses a simple approach: we believe that the pay gap will decrease if women and men have more information about it; we believe the pay gap will decrease if we enable women to pursue meaningful suits against employers that have discriminatory practices; and we believe that the pay gap will decrease if employers are educated and rewarded for doing their part to end wage discrimination.

My bill is a modest but needed step in the fight against wage discrimination. The simple fact remains—working families face the problem of wage discrimination every day and lose billions of dollars in wages because of it. Instead of the risky tax scheme the Senate is considering today, we should give women and American families a much needed raise. We should pass the Harkin amendment today and continue to work towards the day when the pay gap is eliminated.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I yield my time to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this amendment that my colleague from

Iowa has offered amends the Fair Labor Standards Act but it has never had a hearing before the Labor Committee. It has never been marked up by the Labor Committee. It is legislation that would make the trial lawyers very happy because it authorizes unlimited punitive and compensatory damages for discrimination cases brought under the Equal Pay Act. In fact, it would authorize remedies not available in any title VII discrimination case or Americans with Disabilities Act case because damages under those statutes are capped. It would also make it easier for trial lawyers to create class action lawsuits. It is bad legislation and it does not belong on this bill. I encourage my colleagues to support the point of order and reject the amendment.

Mr. President, I make a point of order that the amendment offered by my colleague from Iowa is not germane to the underlying bill and would, therefore, result in a section 305(b)(2) point of order under the Budget Act. I, therefore, raise a point of order against the amendment pursuant to section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) is necessarily absent.

I further announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 53, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—53

Abraham	Bond	Campbell
Allard	Brownback	Chafee, L.
Ashcroft	Bunning	Cochran
Bennett	Burns	Collins

Craig	Helms	Santorum
Crapo	Hutchison	Sessions
DeWine	Inhofe	Shelby
Domenici	Jeffords	Smith (NH)
Enzi	Kyl	Smith (OR)
Fitzgerald	Lott	Snowe
Frist	Lugar	Specter
Gorton	Mack	Stevens
Gramm	McCain	Thomas
Grams	McConnell	Thompson
Grassley	Murkowski	Thurmond
Gregg	Nickles	Voinovich
Hagel	Roberts	Warner
Hatch	Roth	

NOT VOTING—2

Coverdell Hutchinson

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The amendment would add new subject matter to the bill and is therefore not germane. The point of order is sustained and the amendment falls.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask the two managers to yield to the Senator from Louisiana for a unanimous consent request.

AMENDMENT NO. 3888

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the amendment I send to the desk be in order and that it take the place of a Dodd amendment that was removed from the list.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3888

(Purpose: To amend the Internal Revenue Code of 1986 to expand the adoption credit to provide assistance to adoptive parents of special needs children, and for other purposes)

At the appropriate place, insert the following:

SEC. . . EXPANSION OF ADOPTION CREDIT.

(a) SPECIAL NEEDS ADOPTION.—

(1) CREDIT AMOUNT.—Paragraph (1) of section 23(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended to read as follows:

“(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter—

“(A) in the case of a special needs adoption, \$10,000, or

“(B) in the case of any other adoption, the amount of the qualified adoption expenses paid or incurred by the taxpayer.”.

(2) YEAR CREDIT ALLOWED.—Section 23(a)(2) of such Code (relating to year credit allowed) is amended by adding at the end the following new flush sentence:

“In the case of a special needs adoption, the credit allowed under paragraph (1) shall be allowed for the taxable year in which the adoption becomes final.”.

(3) DOLLAR LIMITATION.—Section 23(b)(1) of such Code is amended—

(A) by striking “subsection (a)” and inserting “subsection (a)(1)(B)”, and

(B) by striking “(\$6,000, in the case of a child with special needs)”.

(4) DEFINITION OF SPECIAL NEEDS ADOPTION.—Section 23(d) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

“(4) SPECIAL NEEDS ADOPTION.—The term ‘special needs adoption’ means the final adoption of an individual during the taxable year who is an eligible child and who is a child with special needs.”.

(5) DEFINITION OF CHILD WITH SPECIAL NEEDS.—Section 23(d)(3) of such Code (defining child with special needs) is amended to read as follows:

“(3) CHILD WITH SPECIAL NEEDS.—The term ‘child with special needs’ means any child if a State has determined that the child’s ethnic background, age, membership in a minority or sibling groups, medical condition or physical impairment, or emotional handicap makes some form of adoption assistance necessary.”.

(b) INCREASE IN INCOME LIMITATIONS.—Section 23(b)(2) of the Internal Revenue Code of 1986 (relating to income limitation) is amended—

(1) in subparagraph (A)—

(A) by striking “\$75,000” and inserting “\$63,550 (\$105,950 in the case of a joint return)”, and

(B) by striking “\$40,000” and inserting “the applicable amount”, and

(2) by adding at the end the following new subparagraph:

“(C) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount, with respect to any taxpayer, for the taxable year shall be an amount equal to the excess of—

“(i) the maximum taxable income amount for the 31 percent bracket under the table contained in section 1 relating to such taxpayer and in effect for the taxable year, over

“(ii) the dollar amount in effect with respect to the taxpayer for the taxable year under subparagraph (A)(i).

“(D) COST-OF-LIVING ADJUSTMENT.—

“(i) IN GENERAL.—In the case of a taxable year beginning after 2001, each dollar amount under subparagraph (A)(i) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2000’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of \$1,000, such amount shall be rounded to the next lower multiple of \$1,000.”.

(c) ADOPTION CREDIT MADE PERMANENT.—Subclauses (A) and (B) of section 23(d)(2) of the Internal Revenue Code of 1986 (defining eligible child) are amended to read as follows:

“(A) who has not attained age 18, or

“(B) who is physically or mentally incapable of caring for himself.”.

(d) CONFORMING AMENDMENTS.—

(1) Section 23(a)(2) of the Internal Revenue Code of 1986 is amended by striking “(1)” and inserting “(1)(B)”.

(2) Section 23(b)(3) of such Code is amended by striking “(a)” each place it appears and inserting “(a)(1)(B)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Mr. REID. Mr. President, if I may have the attention of the Members, these 10-minute votes have been going

much closer to 15, 16, or 17 minutes. At this late hour, I ask the Senators to stay in the Chamber or someplace nearby. We are having to vote long periods of time with people coming from offices and other places. We can do better and save a lot of time if we can vote within the 10-minute period.

AMENDMENT NO. 3848

The PRESIDING OFFICER. The question is on the Kennedy amendment No. 3848.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we are talking about relief from the so-called marriage penalty in the Tax Code. But low-income married parents face a more serious marriage penalty under Medicaid. Under the current law, parents who are married lose their health coverage under Medicaid in some 14 States. In other States, they lose their health coverage under Medicaid if they work more than 100 hours a month. That is wrong.

Our answer to this problem is to provide States with the resources and authority to expand S-CHIP and Medicaid to the parents of the children who are covered under these programs. It is a sensible system. The President has paid for it in his budget. It provides needed relief from the health marriage and work penalty under Medicaid. I urge my colleagues to support it.

Mr. ROTH. Mr. President, the FamilyCare initiative prematurely doubles the size and scope of the new State Children’s Health Insurance Program. S-CHIP has been enrolling children for less than 3 years—and it has not reached its goals in terms of covering eligible children. Let us make sure the S-CHIP model works before we expand it so dramatically.

In fact, Mr. President, it is worth noting that if the states want to extend coverage to parents, they may do so now under Medicaid waivers, or even under S-CHIP, if that coverage is “cost-effective”.

In addition to program concerns, FamilyCare raises a fundamental question. Should parenthood be the driving factor in terms of eligibility for health insurance coverage? FamilyCare rewards parenthood and disadvantages working poor individuals who decide to postpone having families until they are better able to afford to raise a child.

Finally, this new initiative is extremely costly. We are talking about creating a new program with a cost of \$50 billion over ten years—all without holding hearings on the bill and without any discussion of priorities.

Mr. President, I make a point of order that the Kennedy amendment is neither germane nor relevant to the reconciliation bill, it is in violation of 305(b)(2) of the Budget Act.

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the

applicable sections of that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON), is necessarily absent.

I further announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—51

Akaka	Durbin	Levin
Baucus	Edwards	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Byrd	Jeffords	Robb
Chafee, L.	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Collins	Kerrey	Schumer
Conrad	Kerry	Snowe
Daschle	Kohl	Specter
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

NAYS—47

Abraham	Gorton	Murkowski
Allard	Gramm	Nickles
Ashcroft	Grams	Roberts
Bennett	Grassley	Roth
Bond	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Cochran	Inhofe	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Voinovich
Fitzgerald	McCain	Warner
Frist	McConnell	

NOT VOTING—2

Coverdell	Hutchinson
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The PRESIDING OFFICER. On this vote the yeas are 51, and the nays are 47. Three-fifths of the Senators present and voting, not having voted in the affirmative, the motion to waive the Budget Act is not agreed to. The amendment would add new subject matter to the bill and is therefore not germane. The point of order is sustained. The amendment falls.

Mr. ROTH. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3851 TO AMENDMENT NO. 3850

The PRESIDING OFFICER. The question is on agreeing to the Bond second-degree amendment to the Durbin amendment.

The Senator from Missouri.

Mr. BOND. Mr. President, it is not fair that a self-employed person cannot deduct 100 percent of health care costs when a large business can. A self-employed person is denied that deductibility, even though we have worked since 1995 when this body accepted my amendment at that time to increase the deductibility of insurance costs for the self-employed. Still, only 60 percent of the health insurance cost is deductible by the self-employed.

I have talked to a lot of these people. They cannot wait until 2003 when they will get 100-percent deductibility. My amendment says there is 100-percent deductibility this year and makes sure that the 5 million Americans in households headed by self-employed can get health care coverage, including 1.3 million children.

It also corrects a disparity in current law which says if a self-employed person is eligible for health coverage from another plan, a second job, or a spouse's plan, they cannot deduct. This says you can deduct so long as you do not participate in another health care plan.

I thank my colleagues on both sides and my colleague from Illinois.

I urge this body to accept the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. The Senator from Missouri has taken a very good amendment and made it even better. I hope Members will join in supporting the second-degree amendment by Senator BOND to my amendment, for the full deductibility of the health insurance premiums for the self-employed. I hope you will resist efforts, if we are successful, to remove this amendment at a later time.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 3851) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3850

The PRESIDING OFFICER. Who yields time on the first-degree amendment?

Mr. DURBIN. Mr. President, I yield back my time and ask for a favorable vote on the Durbin amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment (No. 3850), as amended, was agreed to.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3852

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I have another amendment at the desk, which if I am not mistaken, is next in order on the list for consideration.

The PRESIDING OFFICER. The question is on amendment 3852.

The Senator from Illinois.

Mr. DURBIN. Mr. President, there are 44 million Americans without health insurance. Among uninsured workers, most of them work for small businesses. This amendment creates a tax credit for small businesses which will offer health insurance for their employees. The tax credits especially favor those businesses which have not offered it in the past. I think it is a good investment to help small businesses take care of their No. 1 concern: health insurance for the owners of the business, health insurance for the employees of the small business.

I urge my colleagues in the Senate to support this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I look at my colleague's amendment, and he says for health care we will make it a tax credit. That means it is more valuable than wages; that means it is more valuable than any other expenditure for an employer.

We passed several tax provisions to encourage employers and individuals to buy health care. We passed that with the Patients' Bill of Rights. We passed it with minimum wage. The amendment of my colleague from Illinois, in my opinion, is misdirected and very expensive. We have not had a hearing in the Finance Committee. I think it happens to be bad policy. It says for this type of expenditure, it is more important than any other that an employer would make.

I make a budget point of order under section 305 that it is in violation of the Budget Act.

Mr. DURBIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for consideration of the pending bill, and I seek the yeas and nays.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—49

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee, L.	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Collins	Kerry	Snowe
Conrad	Kohl	Specter
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Dorgan	Leahy	
Durbin	Levin	

NAYS—49

Abraham	Gorton	Murkowski
Allard	Gramm	Nickles
Ashcroft	Grams	Roberts
Bennett	Grassley	Roth
Bond	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Cochran	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner
Fitzgerald	McCain	
Frist	McConnell	

NOT VOTING—2

Coverdell Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The amendment would add new subject matter to the bill and is, therefore, not germane. The point of order is satisfied. The amendment falls.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3853

The PRESIDING OFFICER. The next amendment is amendment No. 3853 offered by the Senator from Virginia, Mr. ROBB.

Mr. REID. Mr. President, will the Senator withhold for a moment? It is my understanding this is going to be the last vote tonight, is that correct, I ask the Chairman?

Mr. ROTH. Yes, that is correct.

Mr. REID. There are going to be some other votes that do not require rollcalls after this?

Mr. ROTH. Yes.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, recognizing this is the last rollcall vote of the evening, I will not take the time of this Chamber. It is a very simple amendment. A majority of this body has already gone on record saying that we will make certain we pass a pre-

scription drug benefit for seniors before we pass all of these other tax cuts. We passed a major tax cut on Friday. We are proposing to pass tomorrow morning another major tax cut.

All this amendment says is, before these tax cuts go into effect, we will have actually delivered on the promise to provide a prescription drug benefit.

I hope it will be the pleasure of this Senate to adopt this amendment and keep the faith with our seniors.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, this is an amendment that undermines, not advances, progress on two important issues. Its only effect will be to stop tax cuts for families while not advancing by a day Medicare reform that should include a prescription drug benefit. If anything, it slows down Medicare reform by politicizing the issue.

Prescription drugs should not be pitted against family tax cuts. We can and should be for both. The budget surplus allows for both. The budget passed by Congress allows for both and both are necessary policies, but they must first each be correctly thought through.

Now is the time to pass marriage tax relief, an issue on which we have been working for years. Now is the time to be working together on Medicare reform, as we are in the Finance Committee. Working together we can succeed on both policies. Seeking division we will fail on each. Notwithstanding any policy objections, the pending amendment offered by the Senator from Virginia is not germane to the underlying bill and would, therefore, result in a section 305(b)(2) point of order under the Budget Act. Therefore, I raise a point of order against the amendment pursuant to section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. ROBB. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Georgia (Mr. COVERDELL) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—49

Abraham	Biden	Bryan
Akaka	Bingaman	Byrd
Baucus	Boxer	Chafee, L.
Bayh	Breaux	Cleland

Conrad	Johnson	Murray
Daschle	Kennedy	Reed
Dodd	Kerrey	Reid
Dorgan	Kerry	Robb
Durbin	Kohl	Rockefeller
Edwards	Landrieu	Sarbanes
Feingold	Lautenberg	Schumer
Feinstein	Leahy	Snowe
Graham	Levin	Specter
Harkin	Lieberman	Wellstone
Hollings	Lincoln	Wyden
Inouye	Mikulski	
Jeffords	Moynihan	

NAYS—50

Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Torricelli
Enzi	Mack	Voinovich
Fitzgerald	McCain	Warner
Frist	McConnell	

NOT VOTING—1

Coverdell

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The amendment makes provisions of this act contingent upon enactment of other legislation. Therefore, it is non-germane. The point of order is sustained and the amendment falls.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3854, 3855, 3859, 3860, 3877, AND 3888

Mr. ROTH. Mr. President, I ask unanimous consent that the following amendments be agreed to en bloc, the motions to reconsider be laid upon the table, and any statements relating to the amendments be printed in the RECORD. The amendments are the following: Nos. 3854, 3855, 3859, 3860, 3877, and 3888.

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

The amendments (Nos. 3854, 3855, 3859, 3860, 3877, and 3888) were agreed to.

AMENDMENT NO. 3859

Mr. CLELAND. Mr. President, The Cleland Savings Bond Tax-Exclusion for Long-Term Care Services Amendment would exclude United States savings bond income from being taxed if used to pay for long-term health care expenses. Current law provides an income exclusion for savings bond income used to pay for qualified higher education expenses. This amendment expands the tax code section 135 to allow the savings bond income exclusion for eligible long-term care expenses as well. This measure will assist individuals struggling to accommodate

costs associated with many chronic medical conditions and the aging process. A staggering 5.8 million Americans are afflicted with the financial burdens of long-term care.

This legislation will assist families by:

Providing a tax exclusion for savings bonds used to pay for long-term care;

Allowing families to use their savings bond assets to face the dual challenge of paying for long-term care services and higher education expenses.

Thank you and I urge you to support this proposal to provide tax relief to Americans burdened by the financial constraints of providing long-term care and higher education expenses. I yield the floor.

AMENDMENT NO. 3860

Mr. CLELAND. Mr. President, we have on the books today a special enhanced tax deduction for individuals and corporations which donate computers to our nation's elementary and secondary schools. This deduction—which helps to keep America on the cutting-edge in technology—is scheduled to expire at the end of the year. The amendment I am offering is twofold: it would extend this tax deduction for five years and it would expand it to include computer donations to public libraries and non-profit and governmental community centers as well.

My amendment will help to close the "digital divide" which exists in this country by providing a viable alternative for Americans who are being left behind because they do not have access in their homes to computer and Internet use. We know, for example, that Americans earning less than \$20,000 who use the Internet outside the home are twice as likely to get their access through a public library or community center. And Americans who are not in the labor force, such as retirees or homemakers, are twice as likely to use public libraries for on-line access.

I urge my colleagues to support this amendment. It would extend a tax deduction which has proved invaluable in boosting efforts by individuals and companies to donate computer equipment and web access to our Nation's schools. And it will help to keep this Nation a leader in the global economy by helping to close the gap between the technological haves and the have nots.

AMENDMENTS NOS. 3856, 3857, 3861, 3862, 3866, 3867, 3876, 3879, 3880, AND 3882 WITHDRAWN

Mr. ROTH. Mr. President, I further ask unanimous consent that the following amendments be withdrawn: Nos. 3856, 3857, 3861, 3862, 3866, 3867, 3876, 3879, 3880, and 3882.

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

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Senators DASCHLE and JOHNSON be added as cosponsors of the Dorgan amendment No. 3877.

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

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Senator JOHNSON be added as a cosponsor of the Moynihan amendment No. 3863.

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

Mr. GRASSLEY. Mr. President, I want to make a few comments about the reconciliation bill before us containing marriage penalty tax relief.

This is an issue about fairness, Mr. President for around thirty years our Tax Code has been penalizing people just because they happen to be married. This is a perfect example of how broken our Tax Code is. Just like the earnings limitation that discriminated against older Americans, this unfair Tax needs to be dumped. It took a Republican-led Congress to repeal the Social Security earnings limit.

And now, it's the same Republican-led Congress that's talking the lead in repealing the marriage penalty tax. We tried it a couple of months ago, but we were blocked by the Democratic side from passing the bill. Now, we're back under reconciliation instructions that prevent the other side from gridlocking the Senate.

Of course, the minority side wants you to believe they're all for getting rid of the marriage penalty tax. Of course, they had control of the Congress for decades and never once tried to repeal it.

What's worse, now they're using the old bait-and-switch routine. They say they're for this tax relief, but not until Social Security and Medicare are fixed.

We all know neither the administration nor the Democratic side have comprehensive proposals to fix Social Security and Medicare, so this is just a delaying tactic to kill the bill so, they say they're for marriage penalty relief—but only sometime in the unknown future. That's Washington D.C. double-talk.

Delaying this tax relief really means no tax relief at all.

Mr. President, we've heard other misleading arguments that under the majority bill, married couples would get a tax cut, but single mothers with kids would not get one. However, an important part of our bill repeals the alternative minimum tax for over ten million people. Many of those helped will be single mothers. But, guess what's even more interesting? The Democrat help single mothers at the bill that doesn't help single mothers at all.

In addition, it's important to note that the Democrat alternative discriminates against stay-at-home moms. That's right, the Democrat proposal only helps two earner couples. So, it not only doesn't help those single mothers the other side was crying crocodile tears over—it hurts those families where one parent decides to stay at home with the children.

I hope all of you stay-at-home parents out there listening understand

what the Democratic alternative will do to them.

Mr. President, we're going to pass this tax relief measure and send it to President Clinton.

This begs the question—where is the Clinton-Gore administration on providing this tax relief to working Americans? Well, a few weeks ago, the administration offered to accept marriage penalty tax relief for a Medicare prescription drug benefit. This is the same tax relief bill the Clinton-Gore administration and Democrats have been attacking and deriding for months. Now, they're saying, forget all those bad things we said, we're ready to deal.

This just shows the Clinton-Gore administration either doesn't have any principles, or they're willing to trade them to the highest bidder.

Of course, for years this administration has been saying they would work with Congress to save social security and medicare. But, here we are near the end of this administration, and it has no comprehensive plan to save either program. They're reduced to trying to salvage a legacy by creating a hugely expensive entitlement program that could end up draining the hard-earned surplus. This is a surplus earned by the American people, not the Government, who wants to spend it all. Interestingly, a recent poll said that 60 percent of Americans credit American workers and businesses for our successful economy. Only 39 percent credit the administration, who would like you to believe they did it all.

I think the American people are finally figuring out the Clinton-Gore charade.

We're going to see more and more of these con-games as the Year winds down, and this tired, worn-out administration desperately tries to reshape its disappointing place in history.

Mr. President, the time for delay is over. The time for gridlock is over. Now is the time to pass this important tax relief measure, and I urge the members of this body to come together and do what's right, by passing this legislation.

Ms. SNOWE. Mr. President, I rise in strong support of H.R. 4810—legislation that would dramatically reduce one of the most insidious aspects of the tax code: the marriage penalty.

As my colleagues are aware, there are several primary causes of the "marriage penalty" within the tax code, including different tax rate schedules and different standard deductions for joint filers versus single filers.

In terms of the impact of these differing tax provisions, the marriage penalty is most pronounced for two-earner couples in which the husband and wife have nearly equal incomes. While this may not have been as noticeable in society 30 or 40 years ago,

the demographic changes that have occurred since the 1960s—with more married women entering the workforce to help support their families—has led to a significant increase in the share of couples who suffer from the marriage penalty.

Make no mistake, the impact of the marriage penalty is severe. According to the Congressional Budget Office (CBO), 42% of married couples incur marriage penalties that average nearly \$1,400.

When measured by income category, fully 12% of couples with incomes below \$20,000 incurred a marriage penalty in 1996; 44% of couples with incomes of \$20,000 to \$50,000; and 55% of couples with incomes above \$50,000.

In addition, according to CBO, empirical evidence suggests that the marriage penalty may affect work patterns, particularly for a couple's second earner. Specifically, because filing a joint return often imposes a substantially higher tax rate on a couple's second earner, the higher rate reduces the second earner's after-tax wage and may cause that individual to work fewer hours or not at all. As a result, economic efficiency is harmed in the overall economy.

Furthermore, while I would hope that the tax code would not be a factor in a couple's decision to marry or stay single, the simple fact is that a couple's tax status could worsen if married and could, therefore, impact a couple's decision to marry. Therefore, we should eliminate this potential barrier to marriage and ensure that couples make one of life's biggest decisions based on their values and beliefs—not on the federal tax code.

As a strong opponent of the marriage penalty, I am an original cosponsor of S. 15, legislation introduced by Senator HUTCHISON that eliminates the marriage penalty through a proposal known as "income splitting." Under this approach, a married couple would add up all their income and then split it in half. Each spouse would then file as a single individual and pay taxes on his or her half of the total income, with exemptions, deductions and credits being split evenly between the two spouses.

Last year, to advance this legislation or any other proposal that would provide marriage penalty relief, I offered an amendment during the markup of the FY 2000 budget resolution that ensured a significant reduction in—or the outright elimination of—the marriage penalty would be a central component of any tax cut package adopted during last year's reconciliation process.

Later that summer, in accordance with my budget amendment, the \$792 billion tax cut reconciliation package that was passed by the Senate included such relief, as did the final House-Senate conference report. However, just as President Clinton vetoed the tax bill in

1995 that included marriage penalty relief, last year's tax bill was vetoed as well.

In an effort to address this issue outside a broader tax package, the House of Representatives passed legislation earlier this year—by a bipartisan vote of 268 to 158—that would reduce the marriage penalty. The Senate considered its version of the legislation in April, but a Democratic filibuster prevented us from bringing the bill to a final vote. Today, we are considering nearly identical legislation yet again, but—thanks to the budget reconciliation process—we are assured it will come to a final vote.

Mr. President, H.R. 4810 would dramatically reduce the marriage penalty by doubling the standard deduction for married couples relative to single filers; expanding the 15 percent and 28 percent income tax brackets for married couples to twice the size of the corresponding tax brackets for single filers; increasing the phase-out range of the Earned Income Credit for couples filing joint returns; and permanently exempting family tax credits from the individual Alternative Minimum Tax.

I am especially pleased that the legislation does not penalize families in which a spouse foregoes an income to raise children. Unfortunately, the proposal that is being espoused by the minority would do just that.

Specifically, by allowing married couples to file their taxes as if they were single, the substitute proposal would provide relief only to families in which both spouses have taxable incomes. As a result, if a spouse has no earned income by virtue of the fact that he or she is working at home to raise the family's children—but doesn't actually earn a salary for each of the myriad of tasks this profession entails—the couple would receive none of the benefits of the larger tax brackets or standard deduction that a single taxpayer currently receives because only one-half of the couple has an income to report.

I believe a spouse's decision to work outside the home and utilize daycare, or work at home to raise children, should be made with only the best interests of the family in mind—not the tax code. We should not take a significant step to eliminate the marriage penalty only to replace it with a "homemaker penalty"—and I'm pleased that H.R. 4810 ensures that the benefits it provides can be used by all couples, including those in which a spouse foregoes an income to raise a family.

It is my hope that, by considering this package of marriage penalty relief proposals as a stand-alone bill—and not as part of a broader, and potentially controversial, tax cut package—we will not only pass this legislation with strong bipartisan support, but ulti-

mately send a bill to the President that he will sign for the benefit of all married couples.

The bottom line is that we should not condone or accept a tax code that penalizes married couples or discourages marriage, and this bill provides the Senate with the opportunity to correct this inequity in a straightforward manner.

Ultimately, the bill we are considering is not simply about providing the American people with a reasonable and rational tax cut—rather, it is about correcting a gross discrepancy in the tax code that unfairly impacts married couples. Accordingly, even though individual members of this body disagree on a wide variety of tax cuts policies, I would hope we would all agree that the act of marriage should not be penalized by the Internal Revenue Code—and would support S. 4810 accordingly.

Mr. CRAPO. Mr. President, I rise today to express my strong support for this pro-family, pro-economic growth legislation. It is unfortunate that government continues to burden its citizens with excessive and unfair taxation. Indeed, America's income tax system reduces freedom and economic growth. An embarrassing example of this inequity is the marriage penalty—essentially, a quirk in the income tax code that causes some married couples to be penalized and taxed at higher rates, simply because they marry.

The treatment of marriage provides an important example of why we need to support equity in the tax code. Consider that two couples who are exactly the same—except one is married and the other couple is not. A peculiar feature in our tax code is that these two couples may pay different taxes. Simply put, when a man and woman get married, their tax liability can rise and the federal government can take more of the married couple's money. This is a fundamental problem in the tax code. I believe in fairness and simplicity when it comes to taxes. A married couple should not pay more taxes than an unmarried couple with the same total income. This is poor policy.

Marriage neutrality is the principle that when two people get married, their total bill should not change. Unfortunately, the U.S. income tax is not marriage neutral. According to the Congressional Budget Office, almost half of all married couples—22 million—suffered from the marriage penalty last year. In my home state of Idaho, 129,710 couples were adversely affected because of this system. These married couples on average paid an extra \$1,500 in income tax. Moreover, as women are working hard to achieve salary equity, it is unfortunate that as women approach income levels similar to their husbands, the marriage penalty increasingly kicks in and the federal government simply takes their money back.

Under this bill, beginning next year, Congress will restore marriage neutrality to the code. The Marriage Tax Penalty Relief Reconciliation Act will increase the standard deduction for married couples to approximately \$8,800. This is twice the basic standard deduction for a single tax filer. The bill will also widen the 15 percent and 28 percent income tax brackets for married couples filing a joint return to twice the size of the corresponding rate brackets of single individuals. This is a commonsense solution to ending any disparity for married couples who find they are paying a penalty. Fortunately for them, the rules under which we are debating the Marriage Tax Penalty Relief Reconciliation Act will also shield senators from excess delay and we will have an up-or-down vote. True to the bill's name, we are here to reconcile an unfair tax provision that is counterproductive to our goal of equity and fairness.

Today, we have finally put an end to expensive entitlements and the reckless fiscal behavior that created large deficits in the 1970s, 1980s, and early 1990s. Indeed, the surging U.S. economy has produced an unprecedented tidal wave of federal tax receipts. This year, the country will see a \$76 billion dollar surplus—over the next ten years the non-social security surplus is estimated at \$1.9 trillion. This raises the question: when will the government start returning money to the people? With these surpluses there is no doubt that there is room for marriage tax relief and additional debt reduction. Therefore, we should seize this opportunity to return these surplus dollars, before the bureaucrats in town start spending them. If we do not, an opportunity to restore horizontal equity to the tax code will be lost, because surpluses—like we have today—will certainly invite an irresponsible flurry of new spending.

Americans have historically and consistently expressed their discontent for excessive and unfair taxation. I have stacks of letters in my office from honest and hard-working Idahoans who rightfully want to know where their tax cut is. Let us take this opportunity to return something to those American families who are married and working to support families and loved ones. Let us make good on our constituent promise by voting to eliminate the marriage tax penalty and let us give the President an opportunity to honor his State of the Union promise by signing this bill.

The federal tax code remains intrusive, overly complicated, and excessively burdensome. As part of my effort to bring tax relief to the American people, I have co-sponsored or voted for legislation to reduce the death tax, gas tax, beer tax, and telephone excise tax. Today, we have an opportunity to vote for a bill that I hope will have broad bi-

partisan support. Senators should be mindful of the opportunity to provide needed relief to married couples. Death and taxes are certainties in life. Let us vote to ensure that fairness is too. I urge my colleagues to support repeal of the marriage tax penalty. It is the right thing to do.

Mr. KYL. Mr. President, it was about two-and-a-half years ago that I came to the Senate floor to call on the Senate to repeal two of the most egregious and unfair taxes imposed by the nation's Tax Code: the steep taxes imposed on people when they get married and when they die. The good news is, for the second time in two years, the Senate has cleared legislation to repeal the death tax. And this week, for the third time, we will clear a measure to repeal the marriage penalty.

In 1995, Congress passed legislation that would have provided a tax credit to married couples to offset this penalty somewhat. President Clinton vetoed that bill.

In 1999, Congress again approved a measure to provide married couples with some relief. Last year's bill would have set the standard deduction for couples at twice the deduction allowed for singles. It would also have set the lowest income-tax bracket for married couples at twice that allowed for single taxpayers. President Clinton vetoed that measure last September.

According to the nonpartisan Tax Foundation, the total tax burden borne by American taxpayers dipped slightly in 1998. That is the good news. The bad news is that Americans still spent more on federal taxes than on any of the other major items in their household budgets. For the median-income, two-earner family, federal taxes still amounted to 39 percent of the family budget—more than what they spent on food, housing, and medical care combined. One of the reasons why they paid so much is the continuation of the marriage penalty that exists in the Nation's tax code.

According to the Congressional Budget Office, nearly half of all married taxpayers—about 21 million couples—filing a joint return paid a higher tax than they would have if each spouse had been allowed to file as a single taxpayer.

The marriage penalty hits the working poor particularly hard. Two-earner families making less than \$20,000 often must devote a full eight percent of their income to pay the marriage penalty. Eight percent is an extraordinary amount for couples that count on every dollar to make ends meet.

Let me stop here and give an example of the marriage penalty at work. In this example, the penalty comes about because workers filing as single taxpayers get a higher standard deduction, and because income-tax bracket thresholds for married couples are lower than the threshold for singles.

Consider a married couple in which each spouse earns about \$30,000 a year. They would have paid \$7,655 in federal income taxes last year. By comparison, two individuals earning the same amount, but filing single returns, would have paid only \$6,892 between the two of them. That is a marriage penalty of \$763.

The average penalty—average penalty—paid by couples is even higher than that—about \$1,400 a year, according to the Congressional Budget Office. Think what families could do with an extra \$1,400. They could pay for three or four months of day care if they choose to send a child outside the home—or make it easier for one parent to stay at home to take care of the children, if that is what they decide is best for them. They could make four or five payments on their car or minivan. They could pay their utility bill for nine months.

The bill before us is the most comprehensive effort yet to eliminate the marriage penalty. It would expand the standard deduction for married couples filing jointly; widen the tax brackets for such couples; and increase the income phase-outs for the earned income credit.

Unlike President Clinton's so-called relief bill, the plan Chairman ROTH brings to us today does not neglect married couples who choose to have one parent stay at home to raise the children. It gives them relief, and, in so doing, it lets them know we value the choice they have made to stay home and raise a family.

Unlike the Clinton plan, which would preserve the penalty for many couples, our plan would eliminate the marriage penalty in its entirety. Sure, that means the revenue loss associated with this legislation is greater than the President proposed, but the smaller cost of providing relief under the Clinton plan is also indicative of just how little it would do to solve the problem. We should not be stingy when attempting to ensure fairness in the tax code.

Passage of this legislation would continue the good progress we have made this year in making the tax code fairer. First, we passed the measure to repeal the Social Security earnings limitation, a tax that has unfairly penalized seniors for more than 60 years, simply because they wanted to earn some extra income to supplement their monthly retirement checks. That measure is now law.

Last week, we voted to eliminate the death tax, which unfairly taxes people simply because they die. We voted to substitute a capital-gains tax so that inherited assets are taxed at the appropriate time—when they are sold, and when income is actually realized.

Hopefully, the marriage-penalty repeal bill, like the death-tax repeal, will pass with a strong, bipartisan majority, and President Clinton will rethink

his opposition and sign it when it reaches his desk.

We can debate the merits of any number of changes in the tax code: whether a flat tax is preferable to a sales tax; whether tax rates should be reduced across the board; or whether we should make the tax code more conducive to savings and investment. There are legitimate points to be made on both sides.

But when it comes to fairness, we need to do what is right. The marriage penalty, like the earnings limit and the death tax, is wrong, it is unfair, and it is time to put it to rest. I urge support for the marriage-penalty repeal bill.

Mr. BYRD. Mr. President, today the Senate will consider legislation to address the anomaly in the tax code known as the marriage penalty. The Senate will consider this legislation in light of recent budget projections that show a windfall in federal budget surpluses over the next ten years, and under expedited rules that will almost guarantee passage of some form of marriage penalty relief.

First, I am, as are many other Senators, concerned about the so-called marriage penalty. I can think of no reason why a married couple should have a higher tax liability simply because they have chosen to make a lifelong commitment together through the sacred bond of marriage. I doubt that any Senator would refute the assertion that the promotion of marriage and family stability benefits the nation at large. Indeed, the marriage bond as recognized in the Judaeo-Christian tradition, as well as in the legal codes of the world's most advanced societies, is a cornerstone on which societies build their morals and values. The Bible tells us in 1 Corinthians 7 to ". . . let every man have his own wife, and let every woman have her own husband. Let the husband render unto the wife due benevolence: and likewise also the wife unto the husband. The wife hath not power of her own body, but the husband: and likewise also the husband hath not power of his own body, but the wife. Defraud ye not one the other, except it be with consent for a time, that ye may give yourselves to fasting and prayer; and come together again, that Satan tempt you not for your incontinency." The institution of marriage was prized in the Bible, and likewise, by the ancient world in Rome, and more particularly, in Greece. "There is nothing nobler or more admirable than when two people who see eye to eye keep house as man and wife, confounding their enemies and delighting their friends," wrote Homer in *The Odyssey* (9th Century BC).

Our federal government has no official policy on marriage with respect to taxing or subsidizing the institution. Still, what can only be referred to as a quirk in the tax code causes some married couples to pay higher taxes than

they would if they were single. I have always believed that the federal income tax code should, at the very least, be marriage neutral. Unfortunately, marriage neutrality has proven to be an elusive goal. The reason is that marriage neutrality is incompatible with a progressive tax system that allows for joint tax returns. When two single taxpayers are married, their incomes increase and can, in some cases, push the couple into a higher tax bracket than when they filed as separate singles. The opposite can also happen, where married couples find themselves in a lower tax bracket than when they were single.

Both the Republican and Democratic proposals before the Senate today attempt to balance the competing interests of progressive taxation, joint tax returns, and marriage neutrality in the best way possible. The Republican proposal, for example, reduces the marginal tax rates for married couples so that recently married couples would not be bumped up into a higher tax bracket. This would effectively eliminate the marriage penalty relating to marginal tax rates. The trade-off is that marriage bonuses, which occur when a married couple pay less in taxes than they would if they filed as two single taxpayers, would be increased.

While some Senators would argue that the Republican proposal is a tax giveaway to households that already receive favorable tax treatment because of marriage, marriage bonuses provide increased assistance for families who make the difficult choice to forgo a second income or career and for one parent to stay at home with their children. Families in this situation ought to be extended tax incentives just the same as those families with a limited income and a child in the child care system. Raising children to be responsible, caring, law-abiding adults is one of the most important tasks that any of us will ever undertake. As we can see daily from the steady stream of frightening newspaper headlines on schoolyard shootings and gang activities, it is also one of the hardest. The fabric of our society, the warp of family closeness and the woof of community, is torn and frayed. If a family makes the increasingly difficult choice to allow one parent to stay at home and focus on child rearing, then, frankly, I think we ought to make it easier for them to do so. We certainly should not make it harder, or more financially punitive! It is too important for the continued strength of our society. I am pleased that this bill takes this important step of recognizing the role of the stay-at-home parent by providing these families with a small amount of relief to assist with the costs of raising a child.

The Democratic proposal also attempts to balance the goals of joint tax entities and progressive taxation with

marriage neutrality. This proposal would allow married couples to calculate their income tax as either a married couple or as two singles, depending on which method would be less costly. The effect of this approach would be the elimination for eligible couples of all sixty-five marriage penalty provisions in the tax code, while maintaining the existing marriage bonuses.

Both proposals provide marriage penalty relief to families of all income levels. In the Republican proposal, lower-income families who receive the earned income tax credit would benefit from marriage penalty relief, while the elimination of the marriage penalty caused by the standard deduction would benefit middle-income households. The Democratic proposal, however, is more targeted to lower- and middle-income households because the marriage penalty relief is phased out for couples with an income above \$150,000 per year.

But, make no mistake, both proposals, even in the glow of recent surplus projections, would be extremely expensive. The Republican proposal would cost \$248 billion over ten years, and \$39 billion per year thereafter. The Democratic proposal is slightly less expensive because of the income cap, but would still cost \$54.2 billion over five years. My concern is not so much the cost of these proposals, because I think that the cost would be justified by the marriage incentives provided in each, but that marriage penalty relief could open the floodgates to other, more massive tax cuts. Most Senators are aware that the Office of Management and Budget announced during the week of June 26 that projected budget surpluses would exceed estimates made just four months ago by \$1.3 trillion, and the Congressional Budget Office is close to releasing its projections that are likely to predict similar results. These new projections raise the estimate of surpluses that will be collected by the government over the next ten years (excluding Social Security) to \$1.9 trillion, and, consequently, have fanned the furor for massive tax cuts.

These surplus projections can have an intoxicating effect, so much so that massive tax cuts seem suddenly affordable. What is forgotten is the fact that these surplus projections are highly volatile, and subject to dramatic change. Just since last year, these ten-year surplus projections have increased by almost \$2 trillion. Some of that increase stemmed from an increase in tax revenues from the strong economy, but most resulted from simple changes in expectations about how well the economy would perform five and ten years out into the future. These expectations could easily change in the next few years so that, just as quickly as these surpluses appeared, they could disappear.

I think that it is unfortunate that higher-than-expected surpluses have paved the way for the enactment of massive tax cuts. The repeal of the estate tax, for example, which was recently passed by this body, if enacted into law, would cost \$105 billion over ten years, and then \$50 billion per year thereafter. No hearings were held on this proposal in the Senate. Little consideration was given to an alternative plan that would have been less costly and would have more expeditiously addressed the plight of farmers and small businesses by eliminating most from estate tax rolls. Little, if any, consideration was given to the negative effect that repealing the estate tax would have on charitable contributions, which are deductible from the gross value of an estate under current law. Yet, this body repealed the estate tax under the guise that it was necessary to protect small family farmers and businesses, when much less costly proposals might have done the job just as well.

Let us disabuse ourselves of the idea that all tax cuts are good policy because they are politically popular. They are not. It is easy to vote for tax cuts. It does not require courage. And, in the end, the American people will not thank us for acting in a fiscally irresponsible manner. As I have said on many occasions, while budget projections look rosy now, the future is fraught with peril as the baby-boomers exit the economy, and the Social Security and Medicare programs become unable, as presently structured, to pay full benefits to recipients. The Social Security and Medicare Board of Trustees projected last March that Social Security payroll taxes by themselves would not be enough to cover benefit payments by 2015, and that the Social Security trust fund would be insolvent by 2037. Likewise, the trustees projected that the Medicare Hospital Insurance trust fund would be insolvent by 2025.

While I support eliminating any marriage penalties that may exist in the tax code, my preference would be to delay enactment of these costly proposals until the long term solvency of Social Security and Medicare have been addressed. However, in order to meet the political deadline of the upcoming Party conventions, the Senate is acting on this legislation today, which is unfortunate.

I support marriage penalty relief, and I believe that both the Republican and Democratic proposals would provide substantial relief. However, I object to the fashion in which these proposals are being considered. As I said before, these proposals are extremely expensive. They should be debated in a way that would allow for many amendments and ample debate time. Unfortunately, they were brought up under reconciliation protections to avoid

such restrictions. While the intent of the legislation may be worthwhile, I object to legislation being pushed through in this manner. The fast-track reconciliation procedures that were enacted in the Congressional Budget Act of 1974 were never intended to be used as a method to enact massive tax cuts that could not be passed without a thorough debate and amendment process. I know, because I helped to write the Congressional Budget Act of 1974, and it was never my contemplation that the reconciliation process would be used in this way and for these purposes—never! I would not have supported it. I would have voted against it.

In fact, I would have left some loopholes in the process that would have saved us from this spectacle every year, where tax legislation with wide-ranging ramifications on domestic and defense spending priorities that should be debated at great length and amended many times is rushed through this Chamber in order to fulfill a political party's agenda. Reconciliation has become a bear trap that cuts off senators from debate and ensures that legislation will be voted upon regardless of whether there has been ample debate. Reconciliation typically allows for only twenty hours of debate, equally divided between the two leaders, which can be yielded back by the leaders under a nondebateable motion. This year, the reconciliation bill will be voted upon after only two hours and twenty-two minutes of debate. Less than two and one-half hours on a measure that would cost \$248 billion over ten years. We owe the American people the assurance that their representatives are enacting legislation that will substantively address the marriage penalty problem in the most cost-efficient method possible.

I spoke in April on marriage penalty relief and the majority party's insistence on pushing this particular legislation through the Senate. While I supported marriage penalty relief then, I still opposed cloture to end debate on the underlying bill to allow senators to offer amendments, debate those amendments, and then vote on those amendments. Incidentally, this legislation was withdrawn from the floor after the minority party insisted on these rights, which is why this marriage penalty relief bill is now being considered in this fashion, under reconciliation protection. I made remarks in April on the marriage penalty relief bill, and made reference to James Madison's ideas on popular government, and the irony of how pushing through marriage penalty relief based on the notion that it is politically popular represented Madison's most profound worries about the character of republican politics. A fear of impulsive and dangerous influence that runaway public opinion could exert over legisla-

tion lay at the core of his thinking in 1787 and 1788. Indeed, Madison searched for the proper mechanics for the safe expression of public opinion to prevent popular majorities from pursuing their purposes through means that wore away the bonds that might otherwise restrain them. I think it is also fair to say that Madison would have opposed legislating in this fashion, and the enactment of tax legislation under reconciliation instructions because it removes the bonds that ordinarily would prevent the majority party from pushing through legislation which happens to be the hot political issue of the moment. The Senate will learn one day the detrimental cost of legislating in this fashion.

Nonetheless, as I have said before, I will support both marriage penalty relief proposals in order to eliminate what can only be described as an unintended and unfair consequence of the income tax code. However, I do so with a certain degree of reluctance out of concern that my support would, in any way, be considered an endorsement of this style of legislating or that it would indicate my willingness to forsake fiscal responsibility relating to Social Security and Medicare in order to finance massive tax cuts.

Mr. ROTH. Mr. President, I ask unanimous consent that votes occur in relation to the following amendments in the following sequence, beginning immediately after the adoption of the Interior appropriations bill, with 2 minutes prior to each vote for explanation: Burns No. 3872, Hollings No. 3875, Lott No. 3881, final passage.

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

Mr. ROTH. Mr. President, I further ask unanimous consent that following passage, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, with those conferees being ROTH, LOTT, and MOYNIHAN.

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

Mr. ROTH. Therefore, there will be no further votes, as already has been announced, this evening. Up to 11 votes will occur in a stacked sequence beginning at 9:45 a.m. on Tuesday.

ORDER OF PROCEDURE

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate now turn to the Interior appropriations bill and I be recognized to call up the managers' package of amendments which is at the desk, the amendments be reported and agreed to, the motions to reconsider be laid upon the table, and the Senate then turn to H.R. 4516, the legislative appropriations bill, for Senator BOXER to offer her amendment.

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