

This was a crime then; and it is a crime now.

What exactly did Colson do? This is what he said he did, in his own words. This is going back to 1991:

I got hold of derogatory FBI reports about Ellsberg and leaked them to the press.

He said further, in 1976:

I happily gave an inquiring reporter damaging information . . . compiled from secret FBI dossiers.

So what happened to Colson?

In the midst of the media firestorm surrounding Watergate, Colson pleaded guilty to the charge that he obstructed justice by disseminating to the media derogatory information from a confidential FBI file about Daniel Ellsberg.

Colson was sentenced by U.S. District Court Judge Gerhard Gesell to a prison term of 1 to 3 years and fined \$5,000. At the sentencing, Judge Gesell deplored Colson's "deliberate misconduct" and he lectured him to understand that "Morality is a higher force than expediency."

In his book, "Born Again," Colson talked about the significance of what he had done. He recalled that Judge Gesell said, in his pretrial hearing:

The whole purpose of this case, beyond its immediate objective, is to direct some attention to the desirability of having a government of law, not a government of men. That is what this is [all] about.

Colson continued, in his own words:

It is something I remembered from Civics I in school.

He said:

These were the cardinal principles of American government, the real bull-work against man-made tyranny. When a man's constitutional rights are in jeopardy, the violation, even cloaked in the time-honored protective shroud of national security, is simply intolerable.

Colson served 7 months in jail before the court reduced his sentence to time served.

Now, what did Ken Bacon do?

Let's go to the Washington Post of May 22, 1998:

The Pentagon's chief spokesman (Ken Bacon) apologized today for authorizing the release to a reporter of information contained in Linda R. Tripp's 1987 security clearance form, saying, "In retrospect, I'm sorry the incident occurred."

Bacon's remarks came after he acknowledged in a deposition last Friday that he provided the New Yorker writer Jane Mayer with the Tripp information.

So, in other words, he admitted it. There is no question about whether or not he committed this crime. There is no doubt about it, no dispute about it.

Bacon said:

I'm sorry that I did not check with our lawyers or check with Linda Tripp's lawyers about this.

Sorry? Sorry didn't cut it for Chuck Colson. Colson committed his crime in July of 1971. He admitted his guilt and pleaded guilty on June 3, 1974, and was sentenced to jail June 21, 1974.

Bacon committed his crime in March 1998. He admitted what he had done in

June of 1998. The Pentagon inspector general referred the matter for criminal prosecution in July of 1998. So now, 2 years later, in April of 2000, the Clinton Justice Department says it is going to take a pass, hoping nobody will see or care at this late date.

Colson went to jail and served time in prison. If there was justice, an equal application of the law, Bacon would also go to jail and serve time in prison.

Is this the first time the Clinton administration has been involved in lawbreaking and corruption? Hardly. It has almost become a way of life: Travelgate, Filegate, Buddhist Temple fundraisers, illegal foreign campaign contributions, the compromise of high-technology nuclear secrets to China, not to mention perjury and obstruction of justice—the list goes on and on.

Why is any of this important? It is all about a concept that is basic to America, a concept as basic as going to church on Sunday. That concept is: Equal application of the law.

Only the media can ultimately protect this fundamental principle by informing the people about what is happening. If the people do not know, of course, they will not care. The role of the media is critical in protecting our liberties. So again, I appeal to the media to cover this story, not to cover up this story.

Does anyone care? I believe the American people care. But they must be informed first.

Let me conclude by recalling the words of Chuck Colson. In writing about his own case, he said:

I pleaded guilty after being told by Watergate prosecutor Leon Jaworski that my conviction would deter such a thing from [ever] happening again.

So I am here today to tell the American people, it just happened again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

Mr. ROTH. Mr. President, I rise to discuss the centerpiece of our efforts to reduce the tax overpayment by America's families. The Marriage Tax Penalty Relief Act of 2000 delivers savings to virtually every married couple in America. And it does so within the context of fiscal discipline and preserving the Social Security surplus.

The importance of this measure cannot be overstated. According to the most recent CBO estimates, in 1999, 43 percent of married couples—about 22 million couples—faced the marriage tax penalty. The average penalty was \$1,480 per couple. This was levied on individuals who are already overburdened with expenses—the costs associated with buying homes, paying for education, raising children, and building financial security for retirement.

It isn't fair, Mr. President. It isn't fair that when two individuals marry their combined tax liability becomes

greater than if they had remained single and continued to pay taxes at their single rate. But unfortunately, this has been the case—to one degree or another—for more than 30 years.

Now it's time for a change.

It's time to restore equity—to bring balance and fairness into the tax equation for these married couples. This, of course, is not as simple as it might appear. Our tax system has tried to balance three disparate goals—progressivity, equal treatment of married couples, and marriage neutrality. And it is impossible to achieve all three principles at the same time.

The principle of progressivity holds that taxpayers with higher incomes should pay a higher percentage of their income in taxes. The principle of equal treatment of married couples holds that households with the same amount of income should pay the same level of tax. And the principle of marriage neutrality holds that a couple's income tax bill should not depend on their marital status. The tax code should neither provide an incentive nor a disincentive for two people to get married.

Our policy response differs depending on how we balance these different principles. For instance, if we want to ensure that when two singles get married their total tax bill will not rise—but we do not mind if two married couples with the same overall income level are treated differently, then we arrive at one result. However, if we want to make sure that two singles who marry do not face increased taxes—and we want to make sure that two married couples with the same income level are treated evenly—then we arrive at a different result.

Last year, the Senate position in the Taxpayer Relief Act of 1999 embraced the first policy result. We focused on the difference between what two spouses would pay in taxes if they were single versus what they would pay in taxes if they were married. In order to fully address that problem, we developed a system whereby a married couple would have an option. The couple could continue to file a joint return using the existing schedule of married filing jointly. Or the couple could choose to file a joint return using the separate schedules for single taxpayers. It was straightforward, and it was universal—we did not try to impose arbitrary income limits to cut off the relief.

As I said last year, this approach had a lot of good things about it. Most importantly, I liked the way that it basically eliminated the marriage penalty for all taxpayers who suffered from it. It delivered relief to those in the lowest brackets as well as to those in the highest brackets. It also delivered relief to those who itemized their deductions as well as those who took the standard deduction.

Nevertheless, I did not propose, or support, the separate filing plan this year. As the Chairman of the Finance

Committee, I am responsible for developing tax policy in a rational manner. I am also responsible for working with members of my Committee and of the full Senate.

After listening to my colleagues' views on marriage tax relief, I came to the conclusion that the best approach at this time is to build on the foundation that Congress has already approved. Last year, in the conference report of the Taxpayer Relief Act of 1999, the Congress adopted three components of marriage penalty relief. These include an expansion of the standard deduction for married couples filing jointly; a widening of the tax brackets; and an increase in the income phase-outs for the earned income credit. A different part of the bill also addressed the minimum tax issue. This year, the House passed a marriage penalty tax bill that included the first three components.

And the Finance Committee bill, the Marriage Tax Penalty Relief Act of 2000, has built on this foundation. Under current law, for the year 2000, the standard deduction for a single taxpayer is \$4,400. The standard deduction for a married couple filing a joint return is \$7,350. That means that for couples who use a standard deduction—and those are generally low and middle income couples—they are losing \$1,450 in extra deductions each year. At a 28% tax rate, that lost deduction translates into an extra tax liability of \$406 each and every year.

The Finance Committee bill increases the standard deduction for married couples so that it is twice the size of the standard deduction for singles. And we do that immediately, for the 2001 tax year. When fully effective, this provision provides tax relief to approximately 25 million couples filing joint returns, including more than 6 million returns filed by senior citizens.

Increasing the standard deduction also has the added benefit of simplifying the tax code. Approximately 3 million couples who currently itemize their deductions will realize the simplification benefits of using the standard deduction.

Second, the Marriage Tax Penalty Relief Act of 2000 addresses the cause of the greatest dollar amount of the marriage tax penalty—the structure of the rate brackets. Under current law, the 15% rate bracket for single filers ends at taxable income of \$26,250. The 15% rate bracket for married couples filing jointly ends with taxable income of \$43,850, which you can see is less than the sum of two times the single rate bracket. In practical terms, that means that when two individuals who each earn \$30,000 get married and file a joint tax return, \$8,650 of their income is taxed at the 28% rate rather than at the 15% rate that the income would have been subject to if they had remained single. The extra tax liability for that couple each year comes out to \$1,125.

The Finance Committee bill remedies that fundamental unfairness. The bill

adjusts the end point of the 15% rate bracket for married couples so that it is twice the sum of the end point of the bracket for single filers. Recognizing that the rate structure hurts married couples in the higher brackets, the bill also adjusts the end points of the 28% rate bracket as well.

When fully effective, and we make that happen a year earlier than the House, this provision will provide tax relief to approximately 21 million couples filing joint returns, including more than 4 million returns filed by senior citizens.

Third, the Marriage Tax Penalty Relief Act of 2000 addresses the biggest source of the marriage tax penalty for low income, working families—the earned income credit. This complicated credit is determined by using a schedule for the number of qualifying children, and then multiplying the credit rate by the taxpayer's earned income up to a certain amount. The credit is phased out above certain income levels. What that means is that two people who are each receiving the earned income credit as singles may lose all or some of their credit when they get married.

In order to address that problem, the Finance Committee bill increases the beginning and ending points of the income levels of the phase-out of the credit for married couples filing a joint return. For a couple with two or more qualifying children, this could mean as much as \$526 in extra credit. This provision would also expand the number of married couples who would be eligible for the credit. It will help over one million families.

The PRESIDING OFFICER. The time allotted to the majority has expired.

Mr. ROTH. Parliamentary inquiry: I didn't think there was any time limit.

The PRESIDING OFFICER. Pursuant to the unanimous consent agreement, the time between 3 and 4 o'clock was equally divided between the majority and the minority, or their designees. The Senator from Montana has 29 minutes.

Does the Senator from Montana have a question?

Mr. BAUCUS. Mr. President, I offer a unanimous consent request, if I may.

The PRESIDING OFFICER. The Senator may present the request.

Mr. BAUCUS. Mr. President, the Chair restated the agreement, as I understood it, correctly. But I don't think the chairman of the committee, Senator ROTH from Delaware, was on the floor when that unanimous consent was propounded and agreed to. He was unaware of the time constraint. I think it is only fair, frankly, that the Senator from Delaware be able to present his views. I am willing to yield as much time as I have to the Senator. How much does the Senator need?

Mr. ROTH. I would say 10 minutes.

Mr. BAUCUS. Ten minutes. Fine, Mr. President.

Mrs. BOXER. Mr. President, reserving the right to object—I will not ob-

ject—I would not want to give away 10 minutes of time from this side because there are others who want to speak and are counting on the minutes. I have no problem doing a unanimous consent request giving the Senator an additional 10 minutes. But I would like to retain 30 minutes of time on this side.

The PRESIDING OFFICER. There was no unanimous consent request. The time was under the control of the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time be extended to 10 minutes after 4 p.m. and that this side have 29 minutes—whatever it is—and the remainder of time be allotted to the Senator from Delaware.

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

Mr. ROTH. I have a parliamentary question. It was my understanding that Senator INHOFE was speaking as if in morning business. Does that time count?

The PRESIDING OFFICER. I believe that is the source of the misunderstanding. Senator INHOFE did speak as if in morning business. However, the unanimous consent request was that the time between 3 and 4 be allocated equally. Therefore, I believe the unanimous consent request just propounded by the Senator from Montana would probably very closely correct that misunderstanding. I believe all of us were operating under that understanding.

Mr. ROTH. I thank the distinguished Senator from Montana for his courtesy.

Mrs. HUTCHISON. Parliamentary inquiry: What is the time allocation between now and 10 minutes after 4 o'clock?

The PRESIDING OFFICER. The time allocation at this time is 10 minutes to the majority and 29 minutes remaining for the minority.

Mr. ROTH. Mr. President, finally, the Marriage Tax Penalty Relief Act of 2000 tries to make sure that families can continue to receive the family tax credits that Congress has enacted over the past several years. Each year, an increasing number of American families are finding that their family tax credits—such as the child credit and the Hope Scholarship education credit—are being cut back or eliminated because of the alternative minimum tax. Last year, Congress made a small down-payment on this problem, temporarily carving out these family tax credits from the minimum tax calculations. This year, we are building on that bipartisan approach, by permanently extending the preservation of the family tax credits.

Because of this provision, millions of taxpayers will no longer face the burden of calculating the alternative minimum tax.

In making the changes that I have just described—whether it is the change in the rate brackets or the change in the earned income credit—we have tried to meet an important objective. That goal, which I talked about

earlier, is to treat all married couples with the same amount of income equally. It is a principle that is ignored by using a combined return with separate schedules or by using a second earner deduction. With the Senate Finance Committee bill, we do not create a new, so-called "homemaker penalty." Our bill ensures that simply because a family has only one wage earner, it is not treated any differently than a family where both spouses work. Many people have argued that tax policy should not discourage one parent from staying at home and raising the family. It is a laudable goal and one that I support.

How much does this marriage tax penalty relief help? It helps a lot. Over forty million families will get marriage tax relief under this legislation. In my state of Delaware, over 100,000 families will benefit. Every family earning over \$10,000 per year will see their tax bill fall at least one percent—except those at high income levels. The key to this legislation is that it helps the middle class. Sixty percent of this bill's tax relief goes to those families making \$100,000 or less.

Who are these people? They're two married civil engineers, or a pharmacist who is married to a school teacher. They're the policeman and his wife who runs a small gift shop in Dover. They are the firefighter who is married to a social worker, or a librarian who is married to an accountant. These are the families who will benefit.

And they will benefit even more, as you examine the impact this tax relief will have over time. Consider the effect if these tax savings were put away for their children's education and retirement. If a couple with two children making just \$30,000 took their tax savings from this bill and put it into an education savings account like the one recently passed by the Senate, they would have \$40,000 for those children's college education. Based on the stock market's historical rate of return, that's \$40,000 if they did not set aside another penny! If the family was that of two elementary school teachers with two children and earning average salaries of \$70,000 combined, they would have \$65,000 after 18 years.

If those two married school teachers then started to put their tax savings from this bill into a ROTH IRA after 18 years, this same couple would have \$224,100 when they retired 27 years later.

By transforming these tax savings into personal savings, we see that these real tax savings translate into real opportunities for these families.

And consider the effect on the economy. According to an analysis by the Heritage Foundation, when fully phased-in this marriage tax penalty relief legislation will result in 820,000 additional jobs. It will increase the personal savings rate by three-tenths of a percent, which in turn will lower interest rates. It also increase investment by \$20 billion and gross domestic prod-

uct by \$54 billion. So not only do married families gain, not only do their children gain, but the entire country gains. They gain more jobs, better jobs, and higher wages because of this marriage tax relief legislation.

Mr. President, the marriage tax relief legislation I bring to the floor today amounts to just five percent of the total budget surplus over the next five years. It amounts to just 17.6 percent of the non-Social Security surplus over the next five years. It amounts to just 42 percent of the new spending provided for in this year's budget over the next five years. Finally, it amounts to less than half of the tax cut that has been allotted to the Finance Committee for tax cuts over the next five years in this year's budget. By any comparison or estimation, this marriage tax penalty relief is fiscally responsible.

This bill does all these things for America's working families while preserving every cent of Social Security's surplus. These tax cuts do not have to pit America's families against America's seniors. Nor does it extend a tax cut in a fiscally irresponsible manner. These tax cuts fit in this year's budget, along with the other Republican priorities that we have already passed for education, health care, and small businesses. Our priorities add up to what's good for America, and our numbers add up to what's fiscally responsible.

It is time we divorce the marriage penalty from the tax code once and for all. I urge all my colleagues to support the Marriage Tax Penalty Relief Act of 2000.

The PRESIDING OFFICER. The Senator from Montana has 29 minutes.

Mr. BAUCUS. I yield myself such time as I may consume.

The so-called marriage penalty is not a penalty. It is the result of the code. Nobody in Congress decided we were going to penalize married couples by making changes in the Tax Code so that married couples would pay more than two singles would pay with their respective incomes.

It is not a penalty in the sense of anyone ever thought of harming anybody. Rather, this is a consequence of the complexity of the Tax Code. It is a consequence of the mathematical impossibility of trying to do all things for all people. Most Americans want a progressive tax rate so married couples who have the same income, regardless of who earns the income, and how much, are taxed the same; in addition to that, have marriage neutrality so married couples do not have to pay more than singles.

It is impossible to do all three. Therefore, the Congress has to make choices and judgments according to what it thinks makes the most sense.

A little history would be instructive. When the income tax was first enacted, individuals were treated as a taxable unit, regardless of whether they were married or not. If a person had \$50,000 in income, he or she paid taxes on that \$50,000. If he or she married and that

person had zero income, that individual who earned the income would still be treated as the taxable entity and his spouse would not, regardless how much the spouse earned. That was the rule for quite a few years.

The problem arose in community property States when the couples could split the income because whatever the major wage earner earned was community property and therefore could be split. Courts upheld that.

A little later, Congress thought if that was the case in community property States, it should be the case all around the country.

Congress, in 1948, decided couples could split their incomes; that is, if the man earned \$70,000 and his wife earned zero, they combined, and they each paid on \$35,000. That was the law in 1948. That helped married couples. The trouble was, it hurt singles. In 1969, the disparity was so great, in some cases a single taxpayer could be paying 42 percent more in income taxes than a couple would pay with the same income.

Congress thought that was not right. They came up with different rates—one set of rates for singles and another set of rates for married couples—and set the proportion of about 60 percent so that individuals would not have to pay up to twice as much as what they otherwise would pay. That has been the law ever since, although we have made some changes. In 1981, there was a deduction for the lower earner of a couple, to try to address the marriage penalty; that was changed, and another inequity came with the tax bill passed in 1993.

We are trying to figure out today a solution to be fair to most people. There has been a big demographic shift in our country since 1969. There are a lot more couples who both earn income, many more now than was the case in 1969.

It is important to note that although there is a marriage penalty, there is also a marriage bonus. More married couples receive a bonus when they get married than receive a penalty. It is pretty close. About 51 percent of Americans, because they are married, receive a bonus. Say the husband earns quite a bit more than his spouse, or vice versa; when they get married, they get a bonus. The penalty occurs when both incomes are about the same. Again, more Americans receive a bonus today—not a penalty—as a consequence of getting married.

According to the Congressional Budget Office, \$29 billion was incurred by married couples as a penalty and \$33 billion was received by married couples as a bonus. That problem has emerged because of the shifting demographic characteristics of our country, with both man and wife now having earned income at equal levels. The more equal the earnings of the spouses, the more likely a marriage penalty will occur.

The proportion of working-age married couples with two earners grew from 48 percent in 1969 to 72 percent in

1995. Also, we have seen a rise in the quality of income of married couples. In 1969, only 17 percent of the households of married couples had both spouses contributing at least one-third to the income of the household, but by 1995 that number increased to 34 percent. In the same period, the percentage of households where one or neither spouse has earnings decreased from 52 percent to 28 percent.

Without these shifts, more married couples would receive marriage bonuses with few marriage penalties. The unintended problem which has emerged is that half of married couples incur this so-called penalty. The question is, what do we do? The Finance Committee bill reported out by the majority of the committee is a good-faith effort to try to address the problem.

It is only fair to point out, there are significant, in my judgment, flaws with the bill that came out of committee. As a consequence, the Democrats will have an alternative which we think addresses a lot of the flaws.

What are the flaws? First, one of the big flaws is it is very complex. It adds additional complexity to the code. We all know the code is complex enough as it is. This adds even more complexity. The standard deduction for married couples is double; the brackets are the 15-percent bracket, the 28-percent bracket, double for marrieds. That is a change in the code. The earned-income tax credit "phased ins" and "phased outs" are changed from current law. AMT personal credits are exempted in certain areas but not in others. It adds considerable new complexity to the code. I am not saying it is fatal to the proposal reported out by the Finance Committee, but it is a fact it adds additional complexities compared with current law.

Second, I think it is important to point out there are real problems with the amount and size of the proposal. It is fiscally irresponsible. It is going to cost a lot of money at a time when I think most Americans want to pay down the national debt.

When I talk to people around my State of Montana, and I talk to Senators from around the country, they tell me when they talk to their people at home they pose the choice: Do you want to use the surplus that we have, wonderfully, now, in the United States of America to pay down the debt or do you want to use the surplus to lower taxes? I will not say dramatically, but I will say overwhelmingly it is my experience, and I think it is the experience of most Members of the House and Senate when they ask that question, the answer is: Pay down the debt. Americans today would rather pay down the debt.

Why? Because they are innately smart; they have a sense of things. We all trust the good faith and good common sense of the American people. There is a conservative element that says: Here we are in times of great national prosperity. We have big budget

surpluses. It probably makes sense to start paying down that \$7 trillion national debt. We may not have this opportunity again. We would like to think we will, and we hope we will, but we do not know we will. So first I think people want to pay down the debt.

The proposal now on the floor is quite large. In fact, the costs for more than half the benefits of this bill go to married taxpayers who are already in a bonus situation.

I will state that a different way. More than half of the costs of this bill do not address the marriage penalty problem at all because the lower tax is given to married couples who are already at a bonus situation. They get the bonus because they are married. This bill says: You already have a bonus. We are not going to give you more.

The point, I thought, was to address the penalty situation; to try to correct the problem where people, when they get married, pay more taxes as a couple than they would pay individually. That is the problem we are trying to address. The Finance Committee bill addresses a part of that, but more than half of the cost of that Finance Committee bill does not. It does something else. Even the other portion, which purports to address the marriage penalty, does not totally. There are lots of areas in the code where the marriage penalty would still exist. Where are they? In about 62 parts of the code.

There are 65 provisions in our income Tax Code which today create the so-called inequities causing bonuses for families—65. The majority bill, Finance Committee bill, addresses only three. There are 62 other provisions in the code which cause a marriage penalty which are not addressed by the Finance Committee bill.

What are they? They are things such as the child tax credit, Social Security benefits, savings bonds for education, IRA deductions, student loan interest deductions, and 56 others. The adoption expense credit, for example—there are couples who want to adopt kids. They get married and because of where they might be in the brackets, the progressive rates, they may find themselves paying a penalty because they are married as a consequence of the adoption expenses credit—or perhaps some of the others. So it is a fiscally irresponsible bill. More than half does not address the problem. Rather, it is given to people who already have a bonus—not a penalty but a bonus. The remaining part is skewed. A good part of it does go to address the problem, but in 62 cases inequities, disparities, and penalties still exist.

In addition, about 5 million additional taxpayers will become subject to the alternative income tax as a consequence of the majority bill. I do not think we want that. We have all heard the problems created by the alternative minimum tax, the AMT. It is getting to be more and more of a prob-

lem as Americans earn a little more income and therefore they are more likely to be subject to that, the alternative minimum tax, which hits a lot of taxpayers pretty hard. As a consequence of the majority committee bill, about a million American taxpayers will now become subject to the alternative minimum tax.

So what is a better approach? Speaking generally, we think a better approach is to do something very simple. It has the elegance of simplicity—people can understand it—and it is more fair. What is it? Essentially, we say to a married couple: You have your choice. File jointly or file separately. It is your choice. You just do whatever you want to do. Presumably, you will pick the choice that results in a lower income tax for you.

What could be simpler? It is simple to the people of America to explain it to them so they can understand it. It does not add additional complexities that are in the majority bill, but rather it is something very simple. You say to a couple: We don't care what your total income is, we don't care how it is distributed, whether the wife makes 80 percent and the husband 20 percent—it makes no difference. You can have your choice. You file jointly or file separately. Obviously, you file the return that results in the lower income tax.

I might add, this already is the case in many States around the country. There are about 10 States today which have just that, to attempt to address the marriage penalty in just that way. That is optional filing. It is optional to file jointly or you have the option to file separately in the States of Arkansas, Delaware, District of Columbia, Iowa, Kentucky, Mississippi, Missouri, my State of Montana, Tennessee, and Virginia. You see, the mix of States is varied. There are high-income States and some low-income States—that is per capita income. It is geographically dispersed. But 10 States decided, for the sake of simplicity, or whatever the reason, that was what they wanted to do, and we have heard no complaints. It is an approach that works.

The second benefit of the Democratic alternative is this: It addresses all of the marriage penalties—not some of them, all of them. How? By addressing all of the 65 provisions in the Tax Code today which result in marriage bonus/penalty inequity. All of them. You say: How do you do that without additional complexity? It is very simple—because of the effect of optional filing. You just file optionally, individually, calculate your AMT, calculate your child adoption expense, whatever it is, or jointly. And you just choose. That way we address all of them.

I might say, the Democratic alternative is also fiscally responsible. Why do I say that? Because we are focused only on the penalty part. As I mentioned earlier, the majority bill, the Finance Committee bill, gives more than half the benefits to people who already have a bonus, who do not need

the help. They already have a bonus. In effect, more than half this bill is a general tax cut bill. That is fine. But then we should call it what it is, a general tax cut bill more than it is a marriage tax penalty reduction bill. It is a general tax cut. If that is the case, then we should have a debate on the code and what is the best way to lower taxes, to deal with taxes for all Americans. It is truth in labeling. It is what we purport to be doing, and that is focusing only on the marriage tax penalty.

I might also say the minority bill, the Democratic alternative, does not exacerbate the singles penalty, whereas the majority bill does. Don't forget, we have widows, widowers, single people who need tax help, too. The majority bill in particular—but in all fairness, the minority bill, too—does not address singles, widows, and widowers. It basically deals with married people. Think for a moment; if you are married with no kids and you are receiving the so-called marriage bonus, you get a tax cut in the majority bill. On the other hand, if you are a single mom and you have three kids, you get no tax cut. Let me state that again. If you are married and have no kids, you are already receiving the so-called marriage bonus, you get a tax cut under the majority bill. On the other hand, under the majority bill, if you are a single mom and you have three kids, there is no tax cut. I do not think that is fair. I do not think that is fair at all.

That is representative of the inequity of the bill coming out of the Finance Committee. It is not a marriage tax penalty bill; it is a tax cut. If they want a tax cut, then we should have that debate on what the distribution should be, what we should do with the brackets, what incentives do we want to create? What disincentives do we want to address?

The Tax Code is pretty big. There are lots of provisions of the Tax Code that affect people on the corporate side and the income side. If we want to cut taxes, let's see how we want to focus that, how to manage it, and how to tailor it. Let's call this what it really is.

We have other priorities we have to address. The majority bill costs about \$248 billion over 10 years. The minority bill is \$151 billion over 10 years. The projected on-budget surplus for the next 10 years is close to \$900 billion. It is \$893 billion.

I will list some of the tax legislation that is pending: This one is \$248 billion; the Patients' Bill of Rights will cost about \$70 billion; the minimum wage bill in the House is about \$122 billion; educational savings is about \$22 billion; debt service costs about \$100 billion. That means the total of the pending tax legislation is about \$566 billion, and what remains is for debt reduction—not very much—and for Social Security and Medicare reform, which is probably not going to be enacted this year.

What about prescription drug benefits? Where does that fit in? What about debt reduction and prescription drugs? There is not very much left.

When we address the marriage tax penalty, I submit we focus on the problem, and the problem is the marriage tax penalty. The problem is not the marriage bonus; it is the marriage tax penalty. If we focus on the problem, we will solve the problem in a more fiscally responsible way. That is clear.

Second, let's make sure the benefits go to those who are facing the problem.

I know as this debate unfolds, some of these points will become more clear, but I urge Senators to think before they leap because this is a fairly complex problem.

I reserve the remainder of my time. I believe neither side has any speakers. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator yields back the remainder of his time.

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

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

Mr. NICKLES. Mr. President, I am going to speak on the underlying bill. Shortly, I think the majority leader will be in to make a motion on the bill.

First, I wish to compliment Senator ROTH, in his leadership, and the Finance Committee, for reporting out a good bill. It is my hope we will be able to pass this bill in the next couple of days to provide relief from the so-called marriage tax penalty. Married couples need relief. We need to pass it.

I have heard the President say he is for it, although he has not come to the forefront. I think Senator ROTH, chairman of the Finance Committee, has come up with a good proposal. I am going to talk a little about that. But I also compliment my colleague, Senator HUTCHISON, who has been fighting for this for the last several years.

I believe this year we have a chance to make this law. I hope we will have bipartisan cooperation to make it happen. I compliment the House for their leadership in moving forward to make it happen.

The President recently invited many of us down to the White House for the signing of the bill to eliminate the so-called Social Security earnings penalty tax. If you were a working senior between the ages of 65 and 70, and you had an income above \$17,000, for every \$3 that you earned, you would lose \$1 of Social Security. We eliminated that penalty. The President signed it. I am sure he was taking credit for it. I did not make the signing ceremony. He invited me. That was nice.

But we acted together. We eliminated an unfair provision in the Tax Code that for years many of us thought was unfair. We eliminated that. That is now the law of the land.

Now we are looking at another provision, the so-called marriage tax pen-

alty. It needs to be eliminated. It needs to be eliminated now, this year, not 20 years from now, and not in some token way that is only verbal, as the President has proposed.

I believe my colleague, Senator ROTH, and many of us on the Finance Committee, have taken the right step to eliminate this unfair tax.

What we have done is, we have said we should double the 15-percent tax bracket for couples. It should be twice as much for couples as it is for an individual.

Many people say: What do you mean by that? Individuals who have a taxable income of up to \$26,000, they pay 15 percent. Above that taxable income, they pay 28 percent. What we are saying is, if it is 15 percent for \$26,000 earned by an individual, it should be twice that amount for a couple. So a couple could have income of up to \$52,500, and that would be taxed at 15 percent.

What is current law? Current law is, for a couple, the first \$43,850 is taxed at 15 percent, and above that amount it is taxed at 28 percent. So there is \$8,650 which is actually taxed at 28 percent. What is the difference? That is a difference of \$1,125.

If you have a couple making \$52,500, the bill we have before us would offer them relief of \$1,125. That is just on the rate change.

We also double the standard deduction. Basically, the standard deduction is \$7,350. That would increase to \$8,800. That is a savings of \$218 for a couple in the 15-percent tax bracket.

So again, we are offering tax relief by simplifying the code, saying let's double the 15-percent bracket for couples, as compared to individuals. And let's double the 28-percent bracket so we provide that relief through the code.

I think it is important. I think it is fair. I think it provides relief for married couples, and it also does not penalize someone if they happen to be a stay-at-home spouse. We do not discriminate against them either. Maybe it is a farmer who has a spouse who does not receive earned income in the form of a check but yet they still work. They work on the farm. They work on the ranch. They work raising kids. We provide them a modest amount of tax relief as well.

I think the bill we have before us is a good bill. It is one that provides tax relief for middle-income Americans. It is one that eliminates the marriage penalty for all practical purposes so we don't find discrimination in the code.

I will give a different example. You have a married couple with two differing incomes, where one income is \$40,000, maybe one is taxed or has income of \$20,000. Let's say the \$20,000 is earned by an occasional worker who might work one year but might not work the next year. The practical impact is that \$20,000 is added to the \$40,000 income, and they are taxed at a higher bracket, the 28 percent, instead of 15 percent.

For that additional work they do under the present code, they are penalized by paying at their spouse's highest tax bracket. That is current law. We want to change that. The bill we have before us does change that.

I compliment Senator ROTH. I urge my colleagues not to play games. Let's make this law. Let's have a signing ceremony at the White House in another couple of weeks. Let's have Democrats and Republicans and even the White House take credit for it. It is a positive change. It is a good change. It is a needed change. It is a change that should become law this year. It is an accomplishment on which all of us can congratulate ourselves and say we got something done: We eliminated the Social Security earnings penalty, and we eliminated the unfair marriage penalty.

Married couples should not be penalized to the tune of \$1,400 a year for the fact they are married. That is a fact; that is what is happening under the present law. We should eliminate that. We do that with the bill that is before us today. I urge my colleagues to support it when we come to that time. I hope we will pass it by tomorrow.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

Mr. LOTT. Mr. President, I do want to try to be brief because I want Senator HUTCHISON and others to be able to speak.

I have been having some discussions with Senator DASCHLE trying to work out an agreement as to how to proceed on amendments. We are going to continue to do that. We had asked for a list, a description of the amendments they might have in mind. We don't have that yet. I assume it is just a physical problem for right now. We will continue to discuss that and see if there is a way we can come to an agreement that will allow us to vitiate cloture, but we need to go on with the debate.

We have Senators here ready to speak. We have the chairman of the committee here who would like to get on record on this issue. So we could go ahead and have cloture filed so, if necessary, we would have a vote on cloture on Thursday, but we could go ahead then with debate only. While we are doing that, we can continue to have discussions about how we can work out an agreement.

Let me emphasize again, I think we can work out an agreement that would allow for a substitute to be offered, or substitutes for that matter, that are relevant to the marriage tax penalty. I understand these amendments may relate to Medicaid. They may relate to prescription drugs. It may be a complete prescription drug proposal. I don't know how that would be relevant or how we would have time to evaluate that. I fear we are headed off down a trail that is not in line with what I had offered or hoped for. I repeat, sub-

stitutes or relevant marriage penalty elimination amendments, we can work that out. I don't want to say what we won't do at this point. I will say we are going to go forward. We will continue to try to work to get a fair agreement.

In the end, this is the point: For 10 years we have talked about the unfairness of the marriage penalty tax. Ever since the Senator from Texas has been in the Senate—now for 6 years—she has been relentless on the subject. So we are going to have a vote on the marriage penalty tax, and we are going to see who is for eliminating it and who is not.

I hope we can do it without getting tangled up in procedural questions. If necessary, we will have a vote on cloture and we will know where we are. I hope we will have the votes on cloture to cut off the filibuster and then move on to the final vote. For now, I want us to make sure we get time this afternoon to have a good debate on this issue, and so I will go ahead and go through this process.

I am still hopeful we can reach agreement on the number of amendments. It could be as many as three or four, it could be six, all dealing with the marriage tax penalty or closely relevant issues. We will keep working on that.

AMENDMENT NO. 3090

(Purpose: To provide a committee amendment)

Mr. LOTT. I now send to the desk an amendment on behalf of the Finance Committee.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. ROTH, proposes an amendment numbered 3090.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Marriage Tax Relief Act of 2000".

(b) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking "\$5,000" in subparagraph (A) and inserting "200 percent of the dollar amount in effect under subparagraph (C) for the taxable year";

(2) by adding "or" at the end of subparagraph (B);

(3) by striking "in the case of" and all that follows in subparagraph (C) and inserting "in any other case."; and

(4) by striking subparagraph (D).

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking "(other than with" and all that follows through

"shall be applied" and inserting "(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied".

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amount referred to in paragraph (2)(A)."

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

SEC. 3. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.

(a) IN GENERAL.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

"(8) PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS.—

"(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2001, in prescribing the tables under paragraph (1)—

"(i) the maximum taxable income amount in the 15-percent rate bracket, the minimum and maximum taxable income amounts in the 28-percent rate bracket, and the minimum taxable income amount in the 31-percent rate bracket in the table contained in subsection (a) shall be the applicable percentage of the comparable taxable income amounts in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be 1/2 of the amounts determined under clause (i).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—"	The applicable percentage is—
2002	170.3
2003	173.8
2004	180.0
2005	183.2
2006	185.0
2007 and thereafter	200.0

"(C) ROUNDING.—If any amount determined under subparagraph (A)(i) is not a multiple of \$50, such amount shall be rounded to the next lowest multiple of \$50."

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting "except as provided in paragraph (8)," before "by increasing".

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting "PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT AND 28-PERCENT RATE BRACKETS;" before "ADJUSTMENTS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking "AMOUNTS.—The earned" and inserting "AMOUNTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the earned"; and

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

"(B) JOINT RETURNS.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by \$2,500."

(b) INFLATION ADJUSTMENT.—Paragraph (1)(B) of section 32(j) of such Code (relating

to inflation adjustments) is amended to read as follows:

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

“(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting ‘calendar year 1995’ for ‘calendar year 1992’ in subparagraph (B) thereof, and

“(ii) in the case of the \$2,500 amount in subsection (b)(2)(B), by substituting ‘calendar year 2000’ for ‘calendar year 1992’ in subparagraph (B) of such section 1.”.

(c) ROUNDING.—Section 32(j)(2)(A) of such Code (relating to rounding) is amended by striking “subsection (b)(2)” and inserting “subsection (b)(2)(A) (after being increased under subparagraph (B) thereof)”.

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

SEC. 5. PRESERVE FAMILY TAX CREDITS FROM THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on tax liability; definition of tax liability) is amended to read as follows:

“(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

“(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

“(2) the tax imposed for the taxable year by section 55(a).”.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(3) Section 904 of such Code is amended by striking subsection (h) and by redesignating subsections (i), (j), and (k) as subsections (h), (i), and (j), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

CLOTURE MOTION

Mr. LOTT. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment (No. 3090) to the marriage tax penalty bill.

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

CLOTURE MOTION

Mr. LOTT. Mr. President, I now send a cloture motion to the desk to the pending bill itself.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the marriage tax penalty bill:

Trent Lott, Kay Bailey Hutchison, Judd Gregg, Tim Hutchinson, Rick Santorum, Connie Mack, Michael B. Enzi, Craig Thomas, Robert F. Bennett, Chuck Grassley, Jim Bunning, Gordon Smith of Oregon, Ben Nighthorse Campbell, Wayne Allard, Jeff Sessions, and Bill Roth.

Mr. LOTT. Mr. President, this cloture vote, if necessary, if it is not vitiated, would occur then on Thursday of this week at a time that would be announced after consultation with the leaders on both sides. It is, again, my hope that we can work out an agreement that would provide for full debate and discussion of amendments and swift passage of the bill itself. But while these negotiations are going on, I will stay in touch with the minority leader, and we will make sure all Members are notified as to how the proceedings are going.

I ask unanimous consent that the mandatory quorum under rule XXII be waived and the bill be pending for debate only.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, the leader has not made a request yet that we be here for debate only on this bill, has he?

Mr. LOTT. I just did.

Mr. REID. Objection is made. I respectfully say to the leader, we believe, very clearly and without any equivocation, it is time we started acting like the Senate, started debating bills. We will in good faith for the majority leader try to come up with a list of amendments we believe should be offered. We will try to do that. In the meantime, we want to start off on amendments to this legislation.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, ordinarily when we file cloture, at the end of that proceeding we ask for the mandatory quorum under rule XXII to be waived and the bill be pending for debate only so that we make use of the time to begin debating the substance of the bill or the alternatives. That has been objected to.

As an alternative, so we can make use of the time we have this afternoon—surely we can spend another hour and a half or so allowing Senators to discuss their positions on the mar-

riage penalty or any other issue—I proposed that we go into a period for the transaction of morning business.

I am told there may be objection to that, which kind of surprises me—that we will not even allow morning business to go forward so Senators can speak.

You talk about the Senate. The way the Senate works is Senators get to speak when they need to and want to on any subject certainly in morning business.

But it was suggested, since that apparently was going to be objected to, that maybe we were ready to go forward with debate on the bill and debate on the Moynihan substitute, or one of the Democratic substitutes, and that maybe you are ready to go with that.

In an effort to be fair and get the debate to go forward, and to address one of the issues that certainly is a legitimate one—Senator MOYNIHAN, and probably Senator BAUCUS, offered this in the Finance Committee, and we talked about it, had votes on it—so we can go ahead and engage the discussion about what is the best way to deal with the marriage penalty tax, this is a different way of doing it, and I think it merits being addressed by the Senators.

I ask unanimous consent that the bill be open for one amendment, the so-called Democratic alternative by Senator MOYNIHAN, Senator BAUCUS, or their designee, with no other amendments or motions to commit or recommit being in order.

Mr. REID. Mr. President, reserving the right to object, I say to my friend, for whom I have the greatest respect, the majority leader, that this isn't really senatorial activity. This is make-believe senatorial activity. We are not really being Senators. My friend, the majority leader, is treating us as if we are in the House and he is the Rules Committee—the one-man Rules Committee. He is now being so generous to us that he is saying we can offer one amendment, and he designates what the amendment is. We, the minority, believe that we have rights that have been developed in this body for over 200 years, and we are tired of playing make-believe Senators. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, since objection is heard, I want to make sure people understand this didn't in any way foreclose any other agreement that might be involved with making other amendments in order and having amendments considered. I presume there will be other amendments that are relevant on the marriage tax penalty provision—I assume on the Democratic side and perhaps on this side, also. This doesn't foreclose any agreement. All I am trying to do is to facilitate the debate and discussion on this very important piece of legislation.

There was an indication from the Democratic side that you were interested in going forward with your

amendment or amendments, and the one that was clearly identifiable is the one that had been offered in the Finance Committee as an alternative on how to proceed. I certainly don't feel as if that is foreclosing any Senators the opportunity to be heard and to offer amendments. But objection has been heard.

Mr. DORGAN. Mr. President, will the majority leader yield?

Mr. LOTT. I would be happy to yield, but let me finish this.

I offered to have a period for the transaction of morning business with Senators to talk about any subject they chose. It could be the gas tax bill. It could be the budget resolution. It could be stock options. It could be anything. That has been objected to, which I find highly unusual.

Then I offered, to try to accommodate what I thought may be a way to get the debate started and some progress to be made, to go with the Democratic alternative.

Again, in terms of one-man action here, all I am trying to do is to get debate on this very important issue, the marriage penalty tax.

Does the Senate want to have a debate and vote on that or not? We have been talking about it for years. Now we are up to the point where we would like to go forward. We haven't been able to get a list of amendments or enter into an agreement. But I am still hopeful we will be able to get a list of amendments and agree to proceed. But I was trying to go ahead and protect our rights to file cloture, if it is needed, on Thursday. That is being objected to.

Does Senator DORGAN wish me to yield?

Mr. DORGAN. Obviously, Senator DASCHLE would like to propound a question.

Mr. LOTT. I would be glad to yield to Senator DASCHLE.

Mr. DASCHLE. Mr. President, let me say that I talked briefly to the majority leader about an hour or so ago. He made the request at that time for a list of our amendments. I must say I want to accommodate the majority leader. But here we are on a bill of some consequence, a bill that has not yet had any time for debate on the Senate floor. It was the subject of good consideration and discussion in the committee. But now, on the very first day, we are on this bill on the Senate floor and cloture has been filed. We don't object to proceeding to the bill. That was done by unanimous consent. But now the majority leader has chosen already to file cloture on the bill. I remind my colleagues that filing cloture is to end the debate. Once again, for the second time in the same day, we are ending debate before it even begins.

We don't want to hold up a good debate and a good discussion with some other ideas with regard to how to proceed on the marriage tax penalty. We can do that. But a good debate entails offering alternatives, other ideas, and other suggestions.

All we are simply saying is, why don't we have the opportunity to offer some amendment? Let's lay down the amendments. Let's get on with it. But what the majority seems to be saying is we will not have the debate at all. We will move on to morning business, if we can't have a list of amendments defined and specified prior to the time the debate even begins.

I am sure the majority leader can empathize with our frustration at being given yet another situation where we do not have the opportunity to have that debate, and we are closing the debate before it even starts.

I will work with the majority leader. We will see if we can't come up with a list. We want to pass marriage penalty reduction, but we think we can do it in ways that aren't as costly and that could be a lot more focused. We will deal with that.

But I am disappointed, frankly, that we aren't able to offer amendments. That is why the objection is made to the request made by the majority leader.

I thank the leader.

Mr. LOTT. Mr. President, I know Senator DASCHLE wasn't on the floor. I was hoping we could maybe mark a little time until he got here. He may not be aware that we asked when we filed the cloture that the mandatory quorum under the rule be waived and the bill be pending for debate only. And there was objection to that.

Then I suggested a period for the transaction of morning business because there are Senators who may want to speak on this or any other subject. That was objected to.

Then I suggested we go to the Democratic substitute offered by Senator MOYNIHAN and others and begin debate on that, which I thought was a good usage of time; It didn't foreclose other amendments being offered or agreed to at a later point.

Perhaps others in his stead were trying to make a point. But my point is that I want us to have time for debate. I want us to use this afternoon and tomorrow. For those who may not be aware, when I file cloture, all I am doing is protecting our right to have a vote on ending the filibuster, which doesn't ripen for 2 days. We could and would be having debate this afternoon and all day Wednesday. If we work out an agreement on a list of amendments, we could vitiate that at any time.

I note we have already done that several times this year. In fact, in the first of the year we vitiated the cloture I had filed on the education savings account legislation, as I recall. Several times we have done it as a protection to make sure we get a vote before the week's end. But we wound up working something out and thought we didn't need to do it. I am hoping that is what will happen here.

But also, if I don't do it now this afternoon, since we haven't gotten a list of the amendments, this is not a surprise. It has been around a long

time. Everybody knew the marriage tax penalty would be coming up this week. The Finance Committee marked it up a couple weeks ago.

Any Member who had or has amendments probably had an idea of what they wanted to do. We have not asked to be given the final amendment, but to be given at least some descriptive paragraph as to what the amendments might do before we enter into an agreement.

If I didn't file cloture and we went out of session Thursday night, if we completed our business, completed the stock options bill and completed the budget resolution conference report and went out Thursday night, if I didn't file cloture now but waited until tomorrow, if we couldn't reach an agreement, then the marriage penalty issue would not have come up until after the recess.

I worked on my income tax last night and I am not in a happy mood about taxes. I know a lot of other people, coming up on April 15, would like to know the marriage tax penalty at last will be coming to an end in whatever form, either by a formula developed by the Finance Committee majority, Senator MOYNIHAN, or others.

I emphasize for those who may not be aware of all the Senate rules, we have to file cloture now to be assured to have a vote on that by Thursday. I will work with Senator DASCHLE. We have worked out some pretty thorny issues and some knots in the past that looked as if they were unsolvable and we were able to agree and move to a final conclusion. I hope we can do that.

We do not want to get far afield and start debating Medicaid issues, Medicaid reforms, which the Finance Committee has never considered—or somebody suggested a complete prescription drug package—without overall Medicare reform and without looking at the details of that package. I understand it may be a pretty detailed package, but the amendment may not be ready. How can we possibly agree to an amendment when we are not even sure of its structure, let alone what the details are. Maybe by tomorrow that amendment will be available and we can take a look at it and other amendments and maybe come to an agreement to get to a conclusion sometime tomorrow during the day, tomorrow night, or Thursday.

Senator HUTCHISON has been very patiently waiting. She has put a lot into this. I yield for a question or comment.

Mrs. HUTCHISON. Mr. President, I ask the majority leader to yield for a question.

I am confused. It appears the distinguished deputy minority leader suggested you were not conducting the Senate like the Senate. Yet you have offered to go forward on the bill, you have offered to have the Democratic amendment that is a substitute come forward, and you have offered to go into morning business so that no one is obligated.

The alternative, it seems to me, is to shut down the Senate entirely. I don't think that is conducting the business of the Senate as the Senate should be conducted.

I ask the distinguished leader, does it appear that the distinguished group from the minority doesn't want to debate the marriage tax penalty at all and would prefer to shut down the Senate rather than talk about this very important tax correction for the hard-working people of this country?

Mr. LOTT. If we can't get an agreement to have consideration of amendments or to have general debate or to have a morning business opportunity, the only other option I have now is to move to close the Senate for the day.

I hope we can find some way to work that out.

Mr. REID. If I could respond to my friend from Texas, I think maybe we have watched the Senate operate the way it is not supposed to for so long, we think the way it has operated the past year is the way it is supposed to operate. The way the Senate is supposed to operate is when bringing a piece of legislation to the floor, it is open for debate and amendment—not morning business, not debate only.

We have the opportunity under the Standing Rules of the Senate to offer amendments to pieces of legislation. That is all we are asking. We have been here for some time. This session of Congress is about over. We have had two opportunities to offer amendments to pieces of legislation, two amendments that were agreed upon by our distinguished majority leader, and also the ad hoc chairman of the Rules Committee in the Senate.

I think it is time we have legislation brought to this floor and we treat it the way the Senate has always treated it for 200-plus years.

Mr. LOTT. Mr. President, if I could respond to Senator REID's comments and will yield further to Senator HUTCHISON, I believe just last week we had the budget resolution, and we had well over 100 amendments. Some of them were voted on, some of them were accepted, some of them were voted on in the vote-arama. A number of them didn't relate to the budget for the year. Everything imaginable was thrown in. I don't think Senators have felt as if they haven't had a chance to offer amendments on any kind of extraneous matter.

This issue of the marriage tax penalty is clear and understandable: Are Members for it or against it?

I fear my colleagues on the Democratic side are trying to change the subject. I cannot believe they don't want to eliminate the marriage tax penalty. Let's have a full debate, let's have amendments on the marriage penalty. But to get off into every other possible issue as a way to try to distract attention from doing what the American people support overwhelmingly, I don't understand that.

I think what we are trying to do makes good, common sense. Let's have

a full debate on the issue. Let's have relevant amendments. There are a lot of amendments that could be construed as being relevant.

I remember the Democrats came up with a way to offer a gun amendment to the education savings account, as I recall. They went way around the corner to get it done, but we had a vote on it, and we moved on.

Senator HUTCHISON wants to comment or ask a question.

Mrs. HUTCHISON. I was going to ask the distinguished leader if the comments made are correct that he has approved every amendment that came forward. It seems to me we have voted on a number of amendments that wouldn't have been the choice of the majority leader, but the majority leader has tried to accommodate the minority. I can't think of anything we haven't voted on this year. Frankly, I can't think of one issue that we haven't addressed, whether we wanted to or not.

The idea being put forward that somehow the majority leader is running the Senate as if it is under his control, I think, is so far out of bounds it is almost laughable. I hope we could at least have morning business to talk about whatever issues Members want to discuss.

I want to talk about the marriage tax penalty. My distinguished colleague from Illinois wants to talk about organ transplants. I can't imagine why the distinguished minority would object to morning business so Members from his side and Members from our side could talk until, hopefully, the majority and minority leader are able to come to an agreement on some kind of reasonable timetable so we can enact marriage tax penalty relief for the 21 million American couples who pay a penalty, who are going to be writing their checks to the U.S. Government this week, realizing they are paying \$800, \$1,000, \$1,400 or more just because they are married and because the Tax Code clearly has an inequity that we have the ability to address.

We can have legitimate disagreements on this issue. If we are going to have irrelevant amendments, I ask the American people to look at the issue for what it is. Let Members debate, let Members talk about our differences on the issue. I hope the distinguished minority won't shut down the Senate.

Mr. LOTT. I thank the Senator for her comments.

Let me add, perhaps it is just that Senator DASCHLE and the Democrats need more time to work on amendments and to get to our side some description of the amendments. Maybe we can go ahead and go out tonight. That way, we have the rest of the evening and the night to work on amendments and pick up again tomorrow.

I am trying to find a way to keep the discussion going. We could use another hour or so to debate this or other issues.

If we can think of a way to do that, I am open to considering other options.

I indicated to Senator DORGAN I would yield to him.

Mr. DORGAN. I appreciate the majority leader yielding. I want to make an observation with the question: As I understand, the majority leader has sent to the desk two cloture motions, one on the underlying bill and one on the substitute, for purposes, as he described, to shut off a filibuster which I suggest does not exist. That is all right. That is within the rules. We have all read the rule book in the Senate.

Circumstances in the Senate should exist in the following manner. You bring a piece of legislation to the floor of the Senate. Every Senator here has a desk. You come here and you have certain rights and certain opportunities. One of those is to offer an amendment to legislation brought before the Senate. As I understand the Senator from Mississippi, he is saying he wants to see amendments Senators are going to offer. He would like to see them before he makes a judgment about whether in fact they will be allowed to be offered.

I say the reason there is a substantial amount of anxiety building up in this Senate is that people were not elected from various States to say: Go and do your thing in the Senate under the rules, and, by the way, we would like the majority leader to decide which amendments you offer shall be in order.

Mr. LOTT. Mr. President, if I could respond to that particular point, it is a common practice around here, as I am sure the Senator knows, to give the courtesy of identifying what amendments we have and even the amendments. We are not asking to see the amendments. We are asking to have some idea of the general parameters of what is being proposed.

I do not believe that is asking too much. We do that for each other. Senator DASCHLE wants to see what we want to offer, and we want to see what you want to offer. That is a common practice around here.

Mr. DORGAN. Except, if the majority leader will yield further, that is not what you are trying to do. What you have indicated is you want to limit the amendments. It is not a case of being curious to see what we are going to offer. This goes on bill after bill after bill that is brought to the Senate. You want to limit the amendments.

My point is this. When we deal with legislation on the floor of the Senate, everyone here has a right, it seems to me, to come and offer amendments and have a debate on them. You have just filed two cloture motions to shut off debate on a filibuster that doesn't exist. This happens time and time again, and we are getting tired of it.

Mr. LOTT. I can understand the Senator's frustration. Also, I am sure he can understand that, as the majority leader, I have to pay attention to the schedule, the time that is available,

and the fact that there are, I think, an overwhelming number of Americans—and Senators—who would like to get this marriage tax penalty removed from the Tax Code.

This is the week we can do it. When we come back, we will have other important issues to deal with: The agriculture sanctions issue; we have the Elementary and Secondary Education Act; we have appropriations bills; we have the China permanent trade status—we have a long list of things we need to try to do. We have not said it has to be three or six, but we are saying we would like to see what we are talking about.

Mr. DORGAN. Might I make a suggestion then?

Mr. LOTT. What is really at stake is, once again, we want to get the marriage tax penalty eliminated. We can talk schedules, procedures, rules, quorums, and all the other stuff into which the Senate gets caught.

On occasion, I hear from my mother. She says: You know, what is all that stuff you all talk about up there, all those rules and all the extraneous things? Get to the point.

The point is, we want to get rid of the marriage tax penalty. Let's see if we can find a way to do that this week.

Mr. DORGAN. Might I offer a suggestion, briefly? Discussion earlier was, by Senator REID: Why do we not just have it open for amendment? The leader objected to that. You did not want that to happen. Why don't we proceed and have it open for amendments and proceed on that basis?

Mr. LOTT. Can we get agreement we can proceed on the bill and all relevant amendments to that bill? To the American people, and I think to most Senators, that makes good sense, to have the requirement that it be relevant to a marriage tax penalty. Again, I have not said we could not go with something that moves afield from that. All I am saying is we would like to see what we are talking about and know it is fair, we have thought it out, and the committee of jurisdiction has had an opportunity to review it.

So that is what I am trying to work out. Senator DASCHLE has been patiently waiting while we have exchanged pleasantries. I must say this, I, a little bit, kind of enjoy finding someone else getting frustrated trying to find a way to make this move forward. I know how you feel.

I yield.

Mr. DASCHLE. Mr. President, one thing we all agree is we want to resolve the problem of the marriage tax penalty. I think that is unanimous. Republicans and Democrats want to find a way to end the marriage tax penalty.

I think there is also a possibility we can reach agreement on how to proceed on this bill. We are not going to do it today under the confines that have been laid down. I think the majority leader's suggestion we go out now is appropriate. Let's go back, try to define the list, let's share lists, let's look

at what we have, let's see if we cannot resolve this procedurally first thing in the morning, and we will go from there.

I share the frustration expressed by my colleague. We are not going to resolve this matter this afternoon. In the interests of expediting this bill, and in consideration of the debate, why don't we just go out and pick it up first thing tomorrow.

Mr. LOTT addressed the Chair.

Mr. REID. Will the leader yield for a brief comment? I can't pass this up. The example my friend, the majority leader, used is the budget bill where we had all these amendments. I say, first of all, that is not substantive in nature. The President has no right to veto that bill. The amendments are basically set by statute. So that is not a good example.

I think you would have to hunt hard to find another example.

Mr. LOTT. Mr. President, I just remind my colleagues, tomorrow is Wednesday and the next day is Thursday. If we do not get the marriage tax penalty done in those 2 days, then it will be pending until after tax day, April 15, when we come back. That may be all right.

Let me say we are going to eliminate the marriage tax penalty this year. We are going to do it on this day, and this week, or we will do it later and we will do it with another procedure. We have talked about getting this done too long and haven't gotten it done. So we are going to come back to this one repeatedly this year. But it would be, I think, very helpful to the people involved and to all of us if we could find a way to go ahead and do it this way.

ORDERS FOR WEDNESDAY, APRIL 12, 2000

Mr. LOTT. With that, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn to the hour of 9:30 a.m. on Wednesday, April 12, 2000. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until the hour of 12 noon, with Senators permitted to speak up to 5 minutes, with the following exceptions:

Senators ROBERTS and CLELAND in control of up to 2 hours, from 9:30 to 11:30 a.m. I will note, that is a request from these two Senators, one a Republican and one a Democrat, that will take a major portion of the morning on a very important national security discussion, so half of the day tomorrow will go for that request which has been pending for at least a week;

Senator HAGEL for 15 minutes;

Senators CRAIG and GRAMS for 15 minutes total;

Senator HUTCHINSON for 10 minutes.

I further ask unanimous consent that following morning business, the majority leader be recognized.

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

PROGRAM

Mr. LOTT. Tomorrow morning, there will be a period of morning business until noon. It is my hope we can reach agreement for the consideration of this very important marriage tax penalty issue.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator HUTCHISON of Texas, Senator FITZGERALD, Senator CLELAND, Senator KYL, for debate or bill introduction only.

Mr. REID. Mr. President, if I could understand, what was the last part of the unanimous consent request? What would these Senators be doing?

Mr. LOTT. Senators HUTCHISON of Texas, Senator FITZGERALD, Senator CLELAND, Senator KYL, for debate or bill introduction only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Continued

Mr. KYL. Mr. President, I appreciate the members of the minority allowing me to speak for a moment on this important piece of legislation. It is legislation I cosponsored when Congress convened earlier last year. It was KAY BAILEY HUTCHISON's bill to repeal the marriage tax penalty. Since that time, the legislation has been adopted to provide for an essential repeal for most Americans. That is the pending business before us. I have supported similar measures ever since I came to the Senate in 1995, and I am very pleased the majority leader has attempted to schedule a vote on this prior to tax day.

As we have just seen, it may not be possible for the Senate to actually vote on repealing the marriage tax penalty prior to tax day, but it would certainly be our hope that that could be accomplished immediately thereafter, if not before.

This will be the third time in 5 years we have acted to mitigate the marriage tax penalty. In 1995, Congress passed legislation that would have provided a tax credit to married couples to partially offset this penalty. President Clinton vetoed that bill. In 1999, Congress again approved a measure to provide married couples with some relief.