I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes, and then the Senator from Texas is recognized for 5 minutes, and we will vote.

Mr. KENNEDY. Mr. President, I commend the Senator from Montana and commend the reasoning he has presented to this body. What he has pointed out is we could move ahead on this issue and reach a fair resolution of the injustice of the marriage tax penalty if we just had the opportunity to have a reasonable debate and discussion on these measures. We are effectively being denied, closed out from that opportunity. I just thank him for reiterating that. As a leader on the Finance Committee on this issue, I think he has made this case in a very powerful way.

EDUCATION

Mr. KENNEDY. Mr. President, on the issue of education, the elementary and secondary education legislation will be coming to the floor in the next several days, according to what the leader has announced. I wish to indicate, once again, the position of those of us on this side of the aisle and what we tried to do in the markup of the education proposal several weeks ago.

We attempted to follow some of the rather radical, but significant, changes we have seen as a result of enhanced and improved academic achievement at the local level. We want some guarantees because of the scarce resources available to us.

As my colleagues know, 7 cents out of every dollar for education comes from the Federal Government. We are strongly committed on this side of the aisle to building on tried and tested programs that are indicating enhanced achievement for the children of this country, rather than the alternative, which is a block grant program our Republican friends have supported.

We will have a chance to go through their legislation. It is S. 2. Instead of providing targeted resources to local communities for improving teacher quality, smaller class size, afterschool programs, the majority, in this lengthy legislation, says it should be ''. . . determination of State participation, the Governor of a State''—not the local parents, not the local school board, not the local community, but the Governor of a State—''in consultation with the individual body responsible for the education of the State shall determine. . . .'' We will go through the legislation next week,

Their legislation says 5 years later there is going to be an accounting. We, on this side, do not want to wait 5 years to find out if their particular block grant program has been effective. All one has to do is go back to 1965 to 1969. We provided block grants to the States under the title I program. We will go through some of this during the debate. The State of Tennessee—all States have indicated how they utilized the money—purchased 18 portable swimming pools in the summer of 1966 at $3,500 each. The justification was that funds originally approved for a summer remedial program would not be spent and the money would otherwise go unspent. There is the buying of football uniforms in some States, and the buying of musical instruments for groups not even affected by title I. We will go through what has happened historically with the block grant program.

Our programs are targeted to make sure we have a well-trained teacher in every classroom. We believe the overwhelming majority of American parents understand that and want that. We want to make sure we have smaller class sizes. We do not need more studies. We have had all the studies, and we have the results. We understand, as Senator MURRAY has pointed out so effectively, that smaller class sizes result in enhanced academic achievement. We believe, with the scarce resources available, we ought to invest in a guaranteed program with guaranteed results of having the smaller class sizes. We believe in afterschool programs which are so important.

Modern, safer schools: Our schools are too crowded, out-of-date, and dilapidated. We owe it to our children to modernize our schools—to have more classrooms, to provide modern teaching facilities, and to provide our children with a safe and orderly learning environment.

Accountability for results: We should hold schools accountable for results. We don't want to write a blank check to the states. We want federal education dollars to go to proven programs that will bring about real change. And we should require schools to use scarce federal dollars to bring about that change.

A greater role for parents: Children and schools need the support of parents. Senator REED will propose an amendment to give parents a stronger role in the education of their children and in the decision-making in their local schools.

Gun safety: We should give gun safety top priority when it comes to our children and our schools. Child safety locks on guns should be a requirement. And we should close the gun show loophole that has proven so deadly to our children and our schools. The Senate passed such legislation last year, but it languishes in conference. We should act again—this time in earnest—to protect our children and our schools from gun violence.

Republican colleagues will talk about change—they talk about having better teachers and safer schools. But if you read their bill, they just perpetuate the status quo. All they want to do is give more money to the governors and the states to use for their favorite programs. There is no guarantee under the Republican bill that your local school will spend the money on smaller classes, safer schools, or better teachers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I thank the Chair.

MARRIAGE TAX PENALTY RELIEF

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator ROTH and Senator GRASSLEY for helping us write a very good bill that will give relief to 21 million married couples in this country; 42 million people will receive a benefit.

When I go through my State and a policeman comes up to me and says, ''I cannot believe how much more I am paying since I got married,'' or a schoolteacher or a county clerk or a sheriff's deputy, I wonder what could we be thinking. This is not a tax cut; this is a tax correction. Twenty-one million American couples are paying a penalty only because they are married. That is not right.

The President of the United States, in his March 11 radio address, addressed six tax cuts he thinks would be a good idea. Two of those are in the bill we are voting on today. He said:

> . . . a tax relief to reduce the marriage penalty, tax relief to reward work and family with an expanded earned income tax credit.

Of the six tax cuts he says he favors, two are in the bill on which we will be voting. One has to ask the fair question: Why would so many of the Democrats refuse to let us bring up the bill that addresses exactly what the President has asked us to send to him?

We sent him marriage tax penalty relief last year. He vetoed the bill. He said there was too much in it; there were too many other tax cuts. I happen to believe there is not a tax cut that I do not like because I think hard-working Americans deserve more relief. We are only using part of the income tax withholding surplus here, not Social Security surplus, not even all of the income tax withholding surplus. We are only using part to give the money back to the people who earned it.

Nevertheless, the President said it was too much. So we said: All right, we are going to send him smaller tax cut bills just as he requested.

We sent him one which removed that terrible added tax on Social Security recipients between the age of 65 and 70 who want to work and make more than $17,000. That is gone. We passed the bill, we sent it to the President, and he signed it.

There must be a real problem on the Democratic side, and I quote the distinguished leader of the Democratic Party in the Senate in Reuters on April 13 of this year when he said:

> I think the Republican bill is a marriage penalty relief bill in name only. It's a Trojan horse for the other risky tax schemes they have that have been proposed so far this year.

To what risky tax schemes could he be referring? Was it the Social Security earnings tests we eliminated for

people who are over 65 and want to work? Was it the education tax credits we have passed and is now in conference to help parents by giving a credit for their children's education starting in kindergarten and going all the way through college? Or is it the small business tax credits he thinks are risky tax schemes to help our small business people create new jobs to keep our economy going?

I do not think one can make the case that this is a risky tax scheme. This is marriage penalty relief for 21 million American couples who are paying the tax only because they got married. In addition, we add more people who will get the earned-income tax credit because they are coming off welfare and are working and feeling good about themselves. We want to encourage them to do that. A family of four making $31,000——

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON. Will still get an earned-income tax credit when they make $33,000.

There is no excuse. It is time to let us take up amendments on this bill and vote marriage tax penalty relief for the hard-working people of our country.

I yield the floor.

Mr. DASCHLE. Mr. President, it is important to be clear what this vote is about—and what it is not about. This vote is not a test of who supports eliminating the marriage penalty. Virtually every member of this Senate agrees: Married couples who work hard just to make ends meet should not have to pay more in taxes simply because they are married.

If the plan proposed by our Republican colleagues only eliminated the marriage penalty in a way that was fair and responsible, I would vote for it. And so, I suspect, would every other Democrat in this Senate.

But the Republican plan goes far beyond fixing the marriage penalty. Sixty percent of their $248 billion plan has nothing to do with fixing the marriage penalty. That is what this vote is about. This vote is about the tens of billions of dollars of tax cuts hidden in this bill that have nothing to do with eliminating the marriage penalty on working families.

In addition to the $99 billion it costs to address the marriage penalty, the Republican plan includes another $149 billion for tax breaks that have nothing to do with the marriage penalty. Most of these new tax breaks would go to those who arguably need it least—including couples at the top of the income ladder who already get a marriage bonus!

We believe there is a better use for that additional $149 billion: creating an affordable, voluntary Medicare prescription drug benefit. That is what this vote is about: Should we use the extra tens of billions of dollars in this bill to create more tax breaks that disproportionately benefit upper income Americans—people who, in many cases, get a marriage bonus? Or should we eliminate the marriage penalty for couples who need a tax cut, and use the other $149 billion in this bill to create a Medicare prescription drug benefit?

What is really going on here? What are Republicans afraid of? Evidently, they are absolutely terrified of voting on our prescription drug amendment. They seem to recoil at even the slightest mention of those two words.

Our Republican colleagues filed cloture on this bill before debate had even begun. They hope to rig the procedural situation so as to shield their faulty bill from public scrutiny and avoid voting on prescription drugs.

Senator LOTT has said our amendments are ''ridiculous.'' He has said it would give him great joy to vote against them. We want to make his day. We want to give him that chance. That is why I once again will vote against cloture on this bill. If Republicans really think our amendments are ''ridiculous,'' they can vote against them. If they think that adding a prescription drug benefit is a ''poison pill,'' they can vote against it. But let us vote and get on with the Senate's business and the business of the American people.

MARRIAGE TAX PENALTY RELIEF ACT OF 2000—Motion to Proceed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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 Calendar No. 437, H.R. 6, the Marriage Tax Penalty Relief Act of 2000:

Trent Lott, Kay Bailey Hutchison, Tim Hutchinson, Chuck Hagel, Larry E. Craig, Phil Gramm, Jesse Helms, Strom Thurmond, Rod Grams, Sam Brownback, Pat Roberts, Judd Gregg, Wayne Allard, Richard Shelby, Gordon Smith of Oregon, and Bill Frist.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3090 to H.R. 6, an act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned-income credit and to repeal the reduction of the refundable tax credits, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—51

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

NAYS—44

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

NOT VOTING—5

Kerry	Mack	Roth
Lincoln	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Democratic leader.

Mr. DASCHLE. Mr. President, I regret that this vote had to have been taken. I have made it clear from the very beginning that my hope is we can find some way to compromise. We have thought we have already compromised extensively. We have limited the number of amendments. We have limited the time on those amendments. We are now even prepared to allow second degrees so long as we get a vote. That is the regular order.

We believe, as strongly as we want to resolve the marriage tax penalty, that having the opportunity to offer a better alternative is something that is so fundamental to the rights of every Democratic Senator. This vote we took had nothing to do with the marriage tax penalty. It had everything to do with a Senator's right to offer an amendment that would improve a marriage tax penalty bill. I am hopeful we can have some resolution on this matter at some point in the not-too-distant future.

I will tell our colleagues in the majority that this vote will not change. This vote will stay at 45 for whatever