

months respectively. The average number of days to consider nominees used to be between 50 and 90, it rose last year to over 200 and this year stands at over 300 days from nomination to confirmation. That is too long and does a disservice to our Federal Courts. I urge the Republican leadership to proceed to consideration of each of the judicial nominees pending on the Senate calendar without further delay.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. ROBERTS). The Senate will now return to legislative session.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

CORRECTIONS TO THE CONGRESSIONAL RECORD

Mr. BYRD. Mr. President, on yesterday, I addressed the Senate concerning Senator MOYNIHAN's birthday. On page S1967, the first column, the last full paragraph on that page, the word "stoop" should be "swoop" in Herman Melville's eloquent quotation.

In the RECORD, during my remarks concerning WENDELL FORD being the longest serving Kentuckian in the history of the Senate, on page S1969, the first column, the last full paragraph, the word "countries" should be "counties."

I ask unanimous consent that these two items be corrected in the permanent version of the RECORD.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each until 4 p.m. today, when we will go to the opening discussion on the NATO enlargement issue.

I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, I yield to my colleague from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to follow Senator CAMPBELL in morning business.

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

Mr. FAIRCLOTH. Mr. President, I ask that I be able to follow the Senator from Texas.

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

Mr. DURBIN. Mr. President, I ask to permission to follow the Senator from Texas.

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

The Senator from Colorado is recognized.

Mr. CAMPBELL. I thank the Chair.

(The remarks of Mr. CAMPBELL and Mr. ALLARD pertaining to the introduction of S. 1771 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MARRIAGE PENALTY TAX RELIEF

Mrs. HUTCHISON. Mr. President, I rise today to say that we have taken, or are in the process of taking, one major step toward more tax relief for the hard-working American family. The budget resolution, which is being marked up as we speak right now, will allow for \$30 billion in tax relief for the hard-working Americans.

This \$30 billion is not nearly enough. I hope that we will be able to expand the \$30 billion. But, at least it recognizes that we need to keep on the same course that we started last year, and that is giving back to the American people more of the money they earn so they can decide how they want to spend it, rather than sending it to Washington and letting somebody here decide what is best for their families. That is what we are trying to do in this Congress. We are trying to give more of the money that people earn back to them. And \$30 billion will not do it, but at least that is a beginning. It is a beginning for new tax cuts that we would propose over the next 5 years.

I am very pleased to say that both Congressman ARCHER, the chairman of the Ways and Means Committee, and Senator ROTH, the chairman of the Senate Finance Committee, both of whom will be responsible for setting the priorities in tax cuts, have said their first priority is the marriage penalty tax. I am very pleased that Senator FAIRCLOTH and I are working on a bill that will provide that relief. There is a Faircloth-Hutchison bill that allows people to put their money together and split it in half. There is a Hutchison-Faircloth bill that will allow people to file as single or married, whichever is best for them. We want the hard-working young couple that gets married not to have to pay a penalty.

Let me just give you an example that is a true one. A rookie policeman in the city of Houston, TX, makes around \$30,000 a year. He marries a Pasadena School District schoolteacher who makes about \$28,000 a year. When they get married, they will owe almost \$1,000 in additional taxes. Mr. President, we think that is wrong. We do not think that Americans should have to choose between love and money. We do not think that young couples who are getting married, who want to have their first home, who want to buy that new car, should have to give more money to Uncle Sam because they decided to get married and start their family. That is not the American dream. So we are going to try to do something about it.

I want to commend Senator FAIRCLOTH from North Carolina, because he

took the early lead on this. He and I have been working together to eliminate the marriage penalty tax once and for all. I am very pleased that Senator ROTH and BILL ARCHER, from Texas, who understands this issue—have said this is a first priority. If we can give this relief to that young couple that gets married, they will be able to perhaps put that money aside for a downpayment on their first home, or perhaps a downpayment on a new car. Rather than sending that money to Washington for the government to decide how they should spend it, we need to let couples keep that money they earn, which in many cases could equal a couple of car payments.

So, \$30 billion is not quite enough. The Joint Tax Committee says that it would be roughly \$110 billion over 5 years that would be taken out of the Government coffers to repeal the marriage penalty. We are going to have to keep working to look for either a budget surplus or more money that could be set aside, or we may have to phase that in. But the bottom line is this is one step toward the right thing to do. It is one step more in the direction of giving more tax relief to that young couple that decides to get married, who are in entry-level positions, just starting their lives together, and we are going to make that happen. If we have to do it by phasing it in, we will do it; if we have to do it by finding more money, we will do it, because we believe it is the right thing to do.

Thank you, Mr. President. I yield the floor to the Senator from North Carolina, who is a cosponsor with me of both of the bills that would give tax relief to that young couple who should not have to choose between love and money.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, thank you. I thank Senator HUTCHISON.

Mr. President, I want to join the Senator from Texas in thanking the chairman of the Budget Committee, Senator DOMENICI, for including a repeal of the marriage penalty tax in the budget resolution which was unveiled today.

Mr. President, Senator HUTCHISON, Senator CONNIE MACK, and I have sponsored legislation to remove this unfair tax. It penalizes couples simply because they get married. Because of the hard work of Chairman DOMENICI and the Budget Committee, we are making progress in getting rid of this tax. The majority leader, Senator LOTT, has also been tremendously supportive. Senator HUTCHISON, Senator LOTT, and I recently pledged on Valentine's Day that we would work to have this tax burden removed by Valentine's Day next year. I think it is a reasonable goal and a step closer with today's budget resolution. What better use of money could we have, what better use than to give tax relief to a young couple getting married? The Congressional Budget Office has determined that 21 million married couples pay an average

of \$1,400 in extra income tax each year because they chose to get married. The Tax Code in its simplest form should encourage people to get married and not leave them with a heavy tax bill because they did get married. I look forward to working with Senator HUTCHISON, from Texas, on eliminating this tax.

Mr. President, the Republican Congress needs to return to its core values. We need to reduce taxes and get on with the job of helping American families and especially young American families that are just starting out. The American families are working and saving to send their children to college. They are trying to save for their own retirement and, in many cases, to look after elderly parents. In spite of all this, today we have a higher tax burden on them than ever before. We are still taking 38 percent of a family's income. People have to work until May 7 of each year before they begin working for themselves. We need to reduce taxes. The Budget Committee has taken a step in the right direction by proposing \$30 billion in tax cuts. As I repeat, what better way to spend the money? We need the marriage penalty relief and we need it before next year.

I thank the Chair. I yield the floor.

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

THE PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MOSELEY-BRAUN. I would like to take as much time as I may require in morning business.

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

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Ms. MOSELEY-BRAUN. Mr. President, tomorrow, I understand, the Senate will begin debate on S. 1133, probably one of the most important debates on education that this Senate will take up this year. This is a vitally important debate, so I want to take this along with other opportunities to talk about various aspects of the underlying legislation, that is, S. 1133, as well as amendments that I and others intend to offer which we believe represent a better approach to education policy at this time in our Nation's history.

At the outset, let me say that the underlying bill will allow families to put up to \$2,000 a year into special education savings accounts and then allow those families to withdraw those funds to meet the costs of attending private or religious schools, middle schools and high schools. Contributions into these accounts would not be tax deductible, but interest on the accounts would be tax free.

There are several problems with this proposal, and I would like to discuss them. But I think the most important point was made this afternoon by the minority leader when he asked the question, is that all there is? Given the tremendous need for educational resources, for providing national support for our elementary and secondary schools in this country, given the results just last week of international tests that showed the United States coming in dead last in science and math, below even some Third World countries, given the need of our country to prepare this next generation of Americans for their role and leadership in this world economy, in this technological age, it seems to me we should be able to engage a more appropriate national response to the tremendous need for educational support than this proposal provides.

In the first instance, the changes made to the Education IRAs by S. 1133 will only give families an average annual benefit of \$7. That is to say, the average annual benefit to a family with a child in the public schools will be \$7 a year—\$7. And that \$7 will cost an estimated \$1.6 billion over the next 10 years. Seven dollars a year. I think it is appropriate to ask, is that all there is? Is this the best we can come up with in response to the crisis in education our country is facing?

Mr. President, \$7 a year is hardly a windfall for American families. It is not enough to cover the expense in a day, in most instances, of pencils or crayons or construction paper for that matter. But the point is that with \$7 we will essentially be providing what some have referred to as leeches to cure a disease. That is to say, we will be draining away resources from our public school system in order to provide an average of \$7 a year for parents. That is not good policy. That is not practical. And certainly that is an inadequate response to the challenges we face in education policy.

Some have argued that the bill is a good idea because it represents savings policy; we want to encourage Americans to save. And, of course, it is almost an article of faith that Americans do not save as much as citizens of other industrialized countries. We want to do everything we can to bolster the savings rate in this country.

Of course, I agree with that proposition; we do want to encourage people to save. But this is bad savings policy. The purpose of IRAs, individual retirement accounts, is to encourage long-term savings, again, by definition, for retirement. The proposal today makes a mockery of that concept, allowing withdrawals to begin only a few years after contributions have been made. It has nothing to do with retirement and has nothing to do with long-term savings. There is no benefit associated with contributions into these education IRAs. It is when the withdrawals are made that the benefit is realized. There are no taxes paid on with-

drawals from the accounts, no matter how much the contributions have grown over time. So the benefits, therefore, are directly related to the length of time that the money remains in these accounts.

By allowing withdrawals only a few years after contributions have started, this bill ensures that the only people who will be able to see any noticeable benefit at all from those accounts will be those who can afford the maximum contribution every year. In other words, the only people who will really benefit from this legislation are the wealthiest eligible Americans. According to the Department of the Treasury, the bill does exactly that; it concentrates the benefits of the legislation into the hands of the wealthy.

The Treasury Department analyzed a slightly different version of this tax scheme and calculated what we refer to as its distributional effects, that is to say, who gets what from a given proposal. That analysis found that 70 percent of the benefits would go to those Americans in the top 20 percent of the income scale. That is to say, families with annual incomes of at least \$93,000. Fully 84 percent of the benefits would go to families making more than \$75,000. The poorest people, the poorest families in the country, those at the bottom percent of the income scale, would receive 0.4 percent of the benefits.

So here we are saying we are going to do something to help education, and we turn the benefit on its head so that those who have the least get the least, those who have the most get the most, not based on ability to support education, not based on children's needs.

I do want to make it clear that the proposal we will debate tomorrow is slightly different than the proposal on which the Treasury Department estimates are based and so you may hear other figures. But the point has to be made that the distributional effect, the benefit of the bill going to the wealthiest Americans still holds as a valid point of observation with regard to this legislation.

Another point that was made by the analysis of this bill, this time by the Joint Committee on Taxation, is that more than half of the benefits of the bill would flow to the 12 percent of families whose children are already in private schools. So that is to say, most of the money will go to families with children in private schools.

There are right now in our country about 46 million children in public schools and about 6 million children in private schools. This bill would direct more than half of its benefits to the families of those 6 million children—half to 6 million, the other half to 46 million children.

Federal education policy, I believe, should be designed to help to improve the quality of education available to all American children, not just a small group of them.

I mentioned that this was, in my opinion, bad savings policy, bad tax