

"user fee," as some call it—that we have an obligation, in fact, a moral obligation, to the American people to use the revenue for the purpose that it is collected for, then I believe that you should be for the Byrd-Gramm amendment.

We have, I believe now, 52 cosponsors. I don't have any doubt about the fact that if we voted on the Byrd-Gramm amendment today as an amendment to the highway bill it would be adopted and it would probably get 75 or 80 votes.

Here is the problem. Those who oppose the amendment would like to delay its consideration and consider it in the context of the budget. When we are considering the budget we are going to be considering many proposals to break the spending caps. And it is the hope of those who oppose the amendment to use that parliamentary position to try to convince people that rather than fulfilling the commitment we made to the American people about spending gasoline taxes on roads that we should not do that so we can raise spending in other areas.

In fact, the strategy is to commingle this effort to allow highways to compete in an effort to break the budget entirely. I didn't think that is where we ought to consider this amendment. This is not a budget amendment. Our amendment does not break the spending caps. All we do is authorize highways at a level that would allow the spending of every penny collected in the gasoline tax, or at least that new portion, 4.3 cents a gallon. It would then be up to the Appropriations Committee within their overall budget to decide how much to spend on highways.

Let me make it clear. I believe that under those circumstances we would be successful, and that we would provide the full level of funding. But in doing so we would do it within the spending caps.

A couple of additional points. Our highway bill will expire on May 1st. It would be my intention—and I believe it is the intention of Senator BYRD—that if that highway extension expires, we would want an opportunity as part of rewriting it to offer our amendment. In fact, we are preserving our right to offer our amendment, as obviously anyone can at any time to any bill. We don't want to do that. We want to have the opportunity to have the highway bill in front of us.

I hope my colleagues will join Senator BYRD and join me in urging our leadership on both sides of the aisle to come forward with the highway bill. I came over today because we are here at 3 o'clock with no business before the Senate. We could have already written the highway bill. It takes time to plan the building of roads and bridges. It takes time for States to set out their blueprint of what they are going to do. I am blessed in being with a Southern State that has a long construction cycle. But for people who live in States like North Dakota, they have a very

short construction cycle in terms of highway construction. And if the highway bill should expire, if they lose May, June, and July, they will end up not having a highway construction period this year.

So I believe that we need to get on with this bill. I think there is a solid consensus that says that within the spending caps we want to allow highways the right to compete for funds up to the amount of taxes that we collect on gasoline. If those of us who believe that the money should be spent on highways can't win that debate, then obviously we will not get the money.

But since the money was collected on gasoline taxes, people were told it was going to be used for highway construction, I believe that if we do authorize its expenditure we will be successful.

So I came over today to basically make two points. No. 1, nothing in the Byrd-Gramm amendment raises the spending caps. The amendment specifically states that the spending in the Byrd-Gramm amendment will be within the spending caps. We are going to debate spending caps and the total level of spending in the budget. The Byrd-Gramm amendment is authorization which authorizes the construction of highways at a funding level up to the expenditure of the gasoline taxes that we are now collecting. It will be up to each of us then within the spending limits that are set in the budget—and I hope they will be the spending limits that we agreed to last year and I intend to fight for, but within that we will have an opportunity to compete so that funds can be spent on highways and so that we can have truth in Government, so that when working Americans go to the filling station and stick the nozzle in their gas tank and they sit there while they are holding it reading on the gas pump that every penny of gasoline taxes goes to build roads, that will not be false advertising by the Government, that it will in fact be a reality.

The final point I wanted to reemphasize is we are running out of time. The extension of the highway bill expires on May 1. We are not going to be able to get another clean extension. We obviously have time to deal with this bill since there is no action in the Chamber here at 3 o'clock in the afternoon. It is early in the session. We were told when Congress adjourned for the Christmas recess the first item of business was going to be the highway bill. With a construction cycle beginning in May in the northern tier of the country, with the desperate need for highways and highway modernization, with the fact we told people the money they spend on gasoline taxes is a user fee to be used for highways and roads, I believe it is important that we move ahead. I urge our leadership, both on the Republican side of the aisle and on the Democratic side of the aisle, to move ahead with the highway bill. Let the Senate work its will and know that the amendment which will be offered by

Senator BYRD and by me and by 52 Members of the Senate is an amendment that does not break the spending caps.

Under no circumstance am I going to support breaking the spending caps. This is a debate about priorities. It is a debate about whether or not, when you tell people that their gasoline taxes go to build roads, it should go to build roads. This is competition for available money. It is not a debate about increasing the total level of spending. I know people get confused on this issue, and I wanted to be sure that we continue every day to reiterate that this is a debate about priorities. It is a debate about honesty in Government. But it is not a debate about the total level of spending. That decision will be made in the budget, and hopefully the decision will be made to live up to the commitment we made last year.

Mr. President, I thank the Chair for recognition. I yield the floor.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. Gorton). Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—S. 1575

Mr. LOTT. Mr. President, with regard to S. 1575, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 301, S. 1575, the Ronald Reagan airport legislation, and it be considered under the following agreement:

One amendment to be offered by Senator DASCHLE or his designee regarding a commission; one amendment to be offered by Senator DODD regarding a commission; one amendment to be offered by Senator DASCHLE or his designee regarding Dulles Airport naming; one amendment to be offered by Senator COVERDELL, which is a technical change amendment; one amendment to be offered by Senator REID regarding the FBI building renaming; one relevant amendment to be offered by Senator LOTT or his designee; and one relevant amendment to be offered by Senator DASCHLE or his designee.

I further ask that these amendments be the only amendments in order and they all be in the first degree and must be offered and debated prior to the close of business this evening, and any votes ordered with respect to the amendments or passage occur on Wednesday morning, at a time to be determined by the majority leader after notification of the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, and I will not

object, but I would simply clarify that this has been a work in progress for several days. I appreciate very much the cooperation of the majority leader in accommodating Democratic Senators and Republican Senators who wish to offer amendments.

There were two issues here. One was the opportunity to offer amendments. This unanimous consent request does that. People can vote up or down on the amendments and can certainly vote up or down on the bill. There will be plenty of discussion about the reasons for a vote on either side of these amendments as the debate unfolds.

The second issue was one relating to the IRS bill. It was our view that the bill reforming the IRS needed to be brought to the attention of the Senate and needed to be scheduled. The majority leader has acknowledged the need to do that as well, and he has given me a commitment that we will take up the IRS bill prior to the end of March. So given his commitment to address the IRS and to allow amendments to be offered, that will, in my view, certainly provide us with an opportunity to move forward. So I appreciate very much his effort to respond to those concerns.

We have no objection.

The PRESIDING OFFICER. Regarding the majority leader's unanimous consent request, without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his comments. I think this is a fair agreement. Senators understandably want to be able to offer relevant amendments, and these amendments do pertain to this general area of discussion. I think that is reasonable. I think that is fair. I was concerned earlier on at the suggestions that were being made that we would wind up with just a litany of amendments making it impossible for us to bring this to a reasonable conclusion, and delaying other issues that we have already made a commitment to do. So I am pleased that we have this agreement.

#### IRS RESTRUCTURING LEGISLATION

Mr. LOTT. Mr. President, I further announce to all Senators that it will be my intention to call up and consider the IRS restructuring legislation no later than March 30, 1998. I have done that after consultation with Members on both sides of the aisle and, particularly, the chairman of the Finance Committee. He has assured me that he is very dedicated to getting this done. We found out last year in our hearings in the Finance Committee that, in fact, the abuses we had heard about were occurring.

The House passed a bill that made some very positive changes and sent that over to the Senate right at the end of the session. We believe that we are finding out still other problems that exist, and that that bill can be

strengthened. We have given our word, frankly, on both sides of the aisle, that we are going to deal with this issue and we are going to deal with it in a timely way. I think the Finance Committee may have another hearing or two, although I am not limiting it to that. I didn't ask the chairman how many more he wanted to have. We heard from the Secretary of Treasury last week and the new IRS Commissioner, Mr. Rossotti about their reorganization plans. We are still learning things that are happening in order to maybe try to change the culture at IRS, but at the same time we are continuously finding additional problems that have not been addressed in the bill that came across from the House. I believe we can have whatever additional hearings that we need to have and have a markup and have this legislation on the floor of the Senate by the end of March.

The only reason why I didn't want to narrow it down more than that, frankly, is we have a number of issues we have to deal with in March, as Senator DASCHLE knows, such as NATO enlargement, the budget, supplemental appropriations, which I presume will involve at least a part, or all of IMF, as well as this issue. Now, I believe this issue may not take that much time. But we have to make sure that we have looked at the entire schedule for March and we have allowed appropriate time to consider this very important issue of restructuring of the IRS. I think this is a good agreement and we should move forward with it.

Mr. DASCHLE. Mr. President, I only want to acknowledge, again, the extraordinary leadership in our caucus that this Senate has benefited from, thanks to Senator KERREY, on the issue of IRS reform. He and Congressman PORTMAN were the two chairs of the IRS commission that delved into all of these issues. They formulated the policy, convinced the administration, and worked to resolve many outstanding differences. So I appreciate very much their tenacious leadership in this area and, again, thank them for their efforts in bringing us to this point. We will, at long last, resolve this matter.

I am told that 1½ million taxpayers have been adversely affected by IRS activity since the House passed its reform legislation last year. We need to put an end to that, and we need to find ways in which to ensure that the American people and the IRS have a clear message: The old days are gone. The time for reform of the IRS is here.

The Senate, on a bipartisan basis, thanks to the leadership of Senator KERREY is committed to that. We will send the bill to the President well before the April 15 filing time for taxes for the last calendar year.

I thank the majority leader, and I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

#### IRS REFORM

Mr. KERREY. Mr. President, first, let me thank both the majority leader and the Democratic leader for resolving this. I thank, as well, Chairman ROTH of the Finance Committee, Senator GRASSLEY, and others who have worked on this. Getting it done by the end of March means that, prior to the 15th of April, taxpayers will have substantially more power. I know that Senator ROTH is looking at some additional things that he might add to the bill.

Let me identify a few that are in this bill that, if we can get it passed before April 15, taxpayers will have. Under current law, the IRS can come out and try to collect money from a taxpayer that they think owes money and, if they make a mistake, tough luck, there is no sanction against them. Under this changed law, if the IRS goes out and does this and it is discovered that they are negligent, they can be responsible for \$100,000 in punitive damages to be paid to the taxpayer. And if it is discovered that they were wrong, they have to pay the legal fees and other expenditures that the taxpayer would have been out. It puts the burden on the IRS to make certain that they don't send out a collection notice unless they are certain there is a collection there. Today, they have no negative sanctions at all. This will shift a substantial amount of power to the taxpayers, which I think is needed.

Chairman ROTH has used what is called section 6103 to look at some of the privacy problems, and he has some additional ideas he may want to add in this area. Just with what the House has passed and what we have in our bill right now, there is a substantial amount of new power that the taxpayer will have. We will make the taxpayer advocate more independent. Senator JOHN BREAU and others—and I believe Chairman ROTH supports it—will make the taxpayer advocate even more independent by removing them from the IRS. They do a relatively good job, but there is a conflict of interest and they have a difficult time being able to be a powerful advocate for the taxpayers.

There are lots of other things that this piece of legislation does, and to be able to get it done by the 15th of April, I think taxpayers are going to like it a lot. Here are some more examples. We all know the code is complicated, and we all know that one of the cheapest ways to get an audience to their feet and to appreciate this is to propose some tax break, a deal that we favor. And everybody around here has one that they like. If we have a reconciliation bill or a tax bill we are going to move through this bill, this law would say that the IRS Commissioner has to be at the table when that is being discussed, and then to say this is what it is going to add to the taxpayer burden.

It has been estimated now that it costs somewhere between \$100 billion and \$200 billion a year to comply with