

count as time spent here in the United States that time spent here after having received an order. If congressional intent is not clarified in this area, it has been made clear that the Clinton administration will seek to administratively overturn the N-J-B decision.

Legislation introduced by Representative LAMAR SMITH would clarify congressional intent. It provides that the period of time that an individual is considered to have been in the United States stops when an order to show cause was issued, except for those Guatemalans, Salvadorans, and Nicaraguans who fled here during the 1970's and 1980's to escape civil strife and persecution. Under the Smith proposal, these Central Americans would be allowed to continue to count the time spent here in the United States after having received an order to show cause.

Mr. President, many people are legitimately concerned about the effects of the removal of these Central Americans from the United States. It is my hope that, as we work toward a D.C. appropriations conference report, a modified version of this amendment can be achieved to the satisfaction of all interested parties.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECESS

Mr. MACK. Mr. President, I now ask that the Senate stand in recess.

There being no objection, the Senate, at 12:25 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

#### CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. The clerk will report House Joint Resolution 94.

The legislative clerk read as follows:

A joint resolution (H. J. Res. 94) making continuing appropriations for the fiscal year 1998, and for other purposes.

#### LOG EXPORTS

Mr. GORTON. I rise for a brief colloquy with, the manager of the bill. Mr. President, section 104 of the continuing resolution states that no funds available or authority granted shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 1997. As the chairman knows, the fiscal year 1997 interior—or is it Omnibus—appropriations bill included language which prohibited the use of appropriated funds to

review or modify sourcing areas previously approved under the Forest Resources Conservation and Shortage Relief Act [FRCSRA] of 1990. The fiscal year 1997 language goes on to further prohibit the use of funds to enforce or implement Forest Service regulations for this act that were issued on September 8, 1995. As the chairman is also aware, I have included language in the fiscal year 1998 Interior appropriations bill that clarifies FRCSRA. Am I correct in my interpretation of the continuing resolution, that the provisions related to FRCSRA in fiscal year 1997 are extended for the duration of this CR?

Mr. STEVENS. The Senator is correct in his assessment of the continuing resolution. If funding and authority were restricted in fiscal year 1997, then that same funding and authority remains restricted under this resolution. In this particular case, the language to which the Senator from Washington refers in fiscal year would be extended for the duration of the CR.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution (H. J. Res. 94) was ordered to a third reading, and was read for a third time.

The PRESIDING OFFICER. The joint resolution having been read for a third time, the question is, Shall the joint resolution pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent due to a death in the family.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 261 Leg.]

#### YEAS—99

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moyনিহান
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Helms	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kennedy	Specter
D'Amato	Kerrey	Stevens
Daschle	Kerry	Thomas
DeWine	Kohl	Thompson
Dodd	Kyl	Thurmond
Domenici	Landrieu	Torricelli
Dorgan	Lautenberg	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden

#### NOT VOTING—1

Leahy

The joint resolution (H.J. Res. 94) was passed.

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

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### CAMPAIGN FINANCE REFORM

Mr. DASCHLE. Mr. President, I would like to use just a few minutes of my leader time, if I can. I know we are on the D.C. appropriations bill, and there is a Mack amendment pending. But until we get back to it, I would like to just take a couple of minutes.

I do not know whether we will have the opportunity again today to talk about campaign finance reform. I certainly hope so. But on the possibility that we will not have that opportunity, I wanted to reiterate an offer that I have made publicly and I would like to do it for the RECORD, if I can.

Obviously, we are in a situation now where the tree has been filled, and there are no opportunities to offer amendments. I am disappointed we are in that set of circumstances because, clearly, with campaign finance reform, as important as it is, with Senators waiting to have the opportunity to offer amendments, we are being denied that right. I hope that at some point we could clear the tree and allow Senators the opportunity to offer amendments. That is what a good debate is all about. It is not how long you spend on any given issue as much as it is, during whatever time you spend on the issue, whether or not you have had a good chance for debate.

I must say I think the debate has been very good with regard to Senators coming to the floor to express themselves on an array of positions, and I respect Senators on both sides of the aisle who made the effort to come to the floor and express themselves as clearly as they can.

My hope is that we can get back to this issue and have the opportunity, therefore, to offer amendments. The offer I made—and I will personally make this same offer to the majority leader—is that we take the Lott amendment and separate it. Democrats would be prepared, just as soon as we finish campaign finance reform, to allow this bill to be debated without filibuster, to allow the bill to be voted upon up or down. Obviously, we have amendments because in our view, whatever treatment we accord labor, we ought to accord corporations and other organizations that may have membership requirements. We do that,

and we can have a good debate about that.

To add an extraneous amendment onto this bill, and therefore not only preclude Senators from offering the amendments that they had hoped they could but to preclude us from even getting a vote on campaign finance reform makes it a poison pill and nothing more. If we are interested in debating the issue about whether or not organizations ought to refund part of their membership fees, that is one question. We should have a good debate about it. We should have an opportunity to discuss it. And we are prepared to allow a final vote on that issue if we can get agreement on this proposal.

If, on the other hand, we are simply using this as a guise, as a way in which to prevent Senators, perhaps the vast majority of Senators, from having a vote on campaign finance reform, from offering amendments, then it is nothing more than that.

So I hope we can work through this. I hope we can find a way to resolve this impasse. But certainly that would be one way to do it.

Let us take the Lott amendment. Let us set it aside. Let us have a good debate. Let us schedule a time when amendments could be offered. Senators will not filibuster the motion to proceed, nor the bill itself. I am hopeful we can work through that and at some point, as I have indicated, I will discuss this matter at greater length with the majority leader.

With that, I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I ask unanimous consent to be able to speak as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### REFORMING THE IRS

Mr. KERREY. Mr. President, I come to the floor today to speak about bipartisan efforts to reform the Internal Revenue Service because these efforts are being publicly challenged and criticized, I regret to say, inaccurately by the administration. It is perplexing to me personally why this administration would send a message to the American taxpayer that despite what they have been hearing the Internal Revenue Service does not need comprehensive reform.

During 3 days of hearings of the Senate Finance Committee last week, taxpayers and employees of the Internal Revenue Service testified under oath that the legal power to collect taxes has been and continues to be abused. Combined with 12 days of public hearings held by the congressionally mandated Commission on Restructuring the IRS, which conducted thousands of hours of interviews with IRS investigators, professional preparers, private sector experts, and taxpayers, a clear

and convincing conclusion has been reached. The law which creates and governs the actions of the IRS needs to be changed.

Mr. President, if lawmakers in the Senate and the House consider that hundreds of new collection notices will be sent to taxpayers every working day and that 800,000 monthly contacts in its notices of audit or taxes owed will be made, then there is an urgency for us to act quickly.

If we can prevent any of the suffering disclosed in these hearings with a change in the law, why would we hesitate to act?

Of equal importance is the need to increase confidence in this unique Federal agency. More Americans pay taxes than vote. Remember, America's tax system depends upon our voluntary declaration of taxes owed and a patriotic willingness to pay our fair share. If citizens believe there is a chance that voluntary compliance will result in their privacy being violated, their return unfairly audited, or their lives made miserable, all of which we now know is a possibility, then the percentage of citizen participation could fall even further. It is safe to say that the faith of the American people in our ability to govern is linked to the ability of the IRS to function properly.

The House leadership has declared its intent to pass a new law and to pass a law this year—a law which was created in a bipartisan and bicameral atmosphere—which would solve many of the problems highlighted by the Senate Finance Committee hearings last week. The House intends to enact comprehensive reform, similar to that recommended by the congressionally mandated National Commission on Restructuring the IRS. And the Senate, in my judgment, Mr. President, should do the same.

As cochair of the commission, along with Congressman ROB PORTMAN of Ohio, I would like to share with my colleagues the problems that were uncovered by our deliberation. To be clear, at no time during these deliberations did Congressman PORTMAN and I resort to bashing the IRS. Indeed, a former Commissioner of the IRS, Peggy Richardson, was an ex officio member of our commission. We gained unprecedented access and a window into the operations of the IRS. We visited service centers, we worked and talked with employees. It is significant to note that our legislation has the endorsement of the National Treasury Employees Union.

We found that the IRS has a law enforcement mentality, but that the vast majority of its employees perform functions including tracking finances, sending out notices, and assisting taxpayers.

We find as well the IRS has a general attitude that taxpayers are guilty, even though close to 90 percent of taxpayers are compliant.

We found that taxpayers have a low opinion of service levels provided by

the IRS and do not believe the IRS is trying to help make paying taxes easier. Indeed, in today's USA Today, a poll shows that 70 percent of Americans think that the IRS abuses their power.

We found that training is not a priority, and employees do not have the skills of their private sector counterparts.

We found that the IRS uses employee evaluation measures that do not encourage employees to provide quality service to taxpayers.

We found IRS management and governance structure makes strategic planning impossible and has caused a massive failure of the IRS's \$3.4 billion computer modernization program. Mr. President, this conclusion has been supported by a GAO report that was issued in 1996.

We found the IRS computer systems were developed during the 1960's and 1970's and lacked the capability to provide taxpayers with quality service.

We found wasteful inefficiencies and high error rates existing in the processing of paper forms.

We found that the Treasury Department has done little to correct IRS management problems, and lacks the expertise and continuity to do so effectively. In fact, Treasury officials were noticeably absent at last week's Finance Committee hearings.

We found as well the congressional oversight of the IRS is scattered and can send confusing signals to the IRS that can be manipulated by the IRS to avoid accountability. Indeed, witness after witness came before our committee, knowledgeable witnesses who assist taxpayers in preparing their returns, and laid equal blame upon the executive and the legislative branches.

We found as well that complexity and constant changing of the Tax Code is a major obstacle that intensifies all of these problems.

The administration continues to criticize the legislation introduced by Senator GRASSLEY and I on this floor on the 23d of July, and Congressman PORTMAN and Congressman CARDIN in the House in the same week. They continue to criticize our legislation unfairly and, most important, inaccurately. In order to perhaps clear up some of the differences between what we are proposing and what the administration would like to see happen, I would like to review the complaints made against the IRS in last week's hearings and show how the law as proposed by Senator GRASSLEY and I, the IRS Restructuring Reform Act of 1997, would change things.

Criticism No. 1. Citizens have no power in a dispute with the IRS. Our law would create in law new protections for the taxpayer and new rights if a taxpayer dispute arises. At a minimum, the law should, one, expand authority of the taxpayer advocate to issue taxpayer assistance orders; two, to expand the authority of the taxpayer to recover costs and fees by permitting awards relating back to the 30-