

past four years, primarily by a government tax agency that is funded with my tax dollars. If Americans have a perception of the IRS as the Boogey Man, it is because the IRS itself has promoted that perception through policies that are fundamentally unconstitutional and illegal.

This is not a partisan issue—it is a people issue and a freedom issue.

I have a lawsuit pending against the IRS, and I will not rest until I have had my day in court. The IRS response to the lawsuit has been to cast doubt on my character by insinuating that they did, in fact, find evidence of wrongdoing, but they chose not to prosecute if. If I was guilty of anything, why would they “choose” not to prosecute? While any “allegations” will eventually be shown in court to be what they are, i.e., a smoke screen, until I can get into court to prove my case, these “allegations” linger in the community where I live and work and continue to compound my frustration.

The system does not work for the American taxpayer. The total sense of violation that we have experienced has had a devastating effect on us all. In the wake of all of this, I find there is no system in place to defend me, or others like me. I'd like to believe that someone takes responsibility for what has happened—for what continues to happen every day in this country. If the example we are to set for our citizens is one of no accountability and no remorse, then our form of government—the oldest surviving democracy on the planet—cannot survive much longer.

A day doesn't go by that I don't wonder what harassment will occur next. I would like to know why this dark entity known as the IRS has come into my life and refused to leave. So who protects me in the system? Who cares about my constitutional rights? Not the courts. Not the IRS. I am hoping that the buck stops here—with you, Senator Roth and this Committee.

I leave you with just three questions, Senators:

(1) Why did this happen?  
 (2) What will you do to see that it never happens again to innocent taxpaying Americans? We cannot employ inexperienced and immature people to play God with the lives of our taxpayers—IRS agents who decide that it's a beautiful day to go out and destroy someone's life; and finally,

(3) Once this ordeal has ended and I have obtained a verdict in a court of law and a judgment against the IRS, what will you do to assure me that the IRS pays the judgment, rather than continue to beat me into submission through endless appeals and an outright refusal to pay the judgment that I obtain?

In this great democracy, we have created this entity to collect taxes which we all agree must exist. However, we have empowered this agency to be subject to no one, to no laws, to no checks and balances, and all of us—including each and every one of you—are afraid of them! Why should we fear the very people we employ?

When these hearings began last September, I was told that Senator Roth would conduct these hearings because he has no fear. After my ordeal, I have no fear any longer, but when Americans receive that letter with the logo of the IRS in the upper left hand corner, their pulse rate, heart beat and blood pressure rise. There is a genuine fear. This fear must stop.

Mr. President, I want to open today's debate by sending messages to two groups of people.

To Mr. Colaprete, to his family, to his manager, to the employees of his restaurant, and to the residents of Vir-

ginia Beach whose lives were harmed by the IRS, I want to say that I'm sorry. Since the IRS apparently thinks they do not need to apologize to you, I will. On behalf of myself and the United States Senate, I apologize for the harm that your government has done to you.

I also want to say to Mr. Colaprete that it is our intent that this never happens again. The legislation we have before us is specifically designed to stop the kind of abuse you suffered, and we will continue to maintain a vigilant watch over this agency.

To the agents at the IRS, who have been out of control, and to the management who is protecting those agents, I want to say watch out. We are on to you, and we will not let you do this sort of thing to the American people.

That is our goal here, to provide some protections, some oversight that is free and separate from the IRS, a private citizen entity to look into their procedures and their conduct. It also is to give some relief to the taxpayers who now find quite often that the penalties and the interest far surpass the basic amount that was owed.

This action is overdue. I want us to have a strong bill because I don't want us to come back 2 years from now and find out what we did, in fact, did not change the culture at IRS. I do believe that the new Commissioner, Mr. Rossotti, is trying hard to turn things around, but it is not all the agency's fault. The laws that we have on the books have been inadequate. In fact, I am not sure we can fix these laws. We may have to just scrap what we have and start over again.

For now, until that is done, we must build in protections against this type of abuse of ordinary citizens and taxpayers.

I yield the floor.

#### RESERVATION OF LEADER TIME

THE PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

THE PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Utah, Mr. HATCH, is recognized to speak for up to 30 minutes.

Mr. HATCH. Without losing my right to the floor, I am happy to yield time to the distinguished Senator from Idaho. Then I would like to make my statement.

THE PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I ask unanimous consent the time I use would not take away from the allocated time of the Senator from Utah.

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

#### ENDANGERED SPECIES REAUTHORIZATION

Mr. CRAIG. Mr. President, today I come to the floor to speak to the reauthorization of the Endangered Species Act. I ask unanimous consent my name be added to the cosponsorship of S. 1180, a bill reauthorizing the Endangered Species Act.

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

Mr. CRAIG. Mr. President, I would like to take a few minutes today to talk about S. 1180, the Endangered Species Act reauthorization bill, and why I have decided to cosponsor it at this time.

As our colleagues know, this bill was passed by the Environment and Public Works Committee last fall, and it is currently on the calendar, ready for consideration by the full Senate. I have been slow to cosponsor S. 1180 because of some reservations I had—and still have—about the bill. I will talk in more detail about those details in a minute.

However, I am absolutely convinced that the current Endangered Species Act is not only a dismal failure at saving species, but is actually working against that goal. Furthermore, every day we tolerate this defective law, its unfair and unnecessary burdens increase on citizens and the economy. Yet at the same time, the American people continue to believe that conserving fish and wildlife species for the enjoyment of future generations is the right thing to do. And I certainly agree with that. They want to make changes to the law, but don't want to see the Endangered Species Act thrown out.

That is why for the last three years, my colleague and friend from Idaho, Senator KEMPTHORNE, has been working mightily to improve this complex law. He has held hearings, built coalitions, drafted and re-drafted language to correct the problems while still advancing the goals of the Endangered Species Act. I congratulate him, as well as our other Senate colleagues who have worked with him to produce this bill.

S. 1180 would make some positive reforms in the current system. It would re-focus the process on actually saving species. It would create opportunities and benefits for people who are affected by the government's actions in these areas.

For example, the bill emphasizes *sound science—instead of politics*—to guide actions taken to conserve and recover species. It requires independent peer review for listing and delisting decisions, and for the establishment of a biological recovery goal in a recovery plan. Specific time limits would be observed, and States and local citizens would have a larger role in the process.

I believe these provisions and others would make significant improvements

in our current process, to the benefit of both our wildlife and our citizenry. While additional corrections could be made, those who drafted this bill believe that a more comprehensive overhaul of ESA is not going to pass this Congress. I tend to agree with that assessment and I am also willing to pursue the strategy of trying to pass these reforms now as a foundation for further reforms later. That is the message I would like to send with my cosponsorship of S. 1180 today.

Having said all that, Mr. President, I cannot endorse each and every provision within this legislation. I will be supporting amendments that will change or add to the bill in a number of areas.

For instance, while I support S. 1180's stated goal of providing incentives to promote voluntary habitat conservation by private landowners, I am very concerned about what the bill as a whole will fail to do in the area of protecting private property rights.

This is no small matter. The right to own and use property goes to the very heart of our American democracy. It was so important to our founding fathers that they enshrined the protection of private property in the Constitution's Bill of Rights.

It is equally important today. Yet our federal government has increasingly ignored these rights. President Clinton rejected the Constitution's guarantee outright when he pledged to veto any "compensation entitlement legislation" intended to strengthen Americans' private property rights. Representatives of this administration have even suggested that the idea of *private property is an outmoded notion*.

Let me say to them, how dare they. Nowhere in the administration's hostility toward private property rights is there more evidence of that than in their threat to veto an endangered species reform that has that in it.

Let's take a look at Secretary Babbitt's "no surprises" policy, for example. The basic idea is that if landowners surrender control over the use of part of their property for ESA purposes, then the Federal Government will let them use the rest of it without interference. To put it another way, Secretary Babbitt proposes that you pay the Government for the right to use your own land. By comparison, the Constitution of the United States promises that if the Federal Government wants your land used a certain way, the Federal Government has to pay you for it.

Even more outrageous than Secretary Babbitt's program is the fact that many landowners think it is actually a pretty good deal. How oppressive and tyrannical have ESA regulations become, when citizens are willing, even eager, to give up their property and their constitutionally protected right to compensation just to get the Government off their back, just to get the Government to leave them alone.

I applaud the goal of S. 1180 in reducing regulatory burdens and improving

the certainty and finality of Government action in protecting endangered species. It is bad policy to require the American people to sacrifice their constitutionally protected rights for any Federal program, even this one.

I would like to see S. 1180 strengthen and protect fifth amendment rights to compensation. I will vote for amendments and/or legislation that strengthens our citizens' private property rights.

The paramount natural resource issue for Americans in the West is sovereignty of our States over water that flows and exists within the boundaries of those Western States. It is easy to say that all we need to do is remain silent on this issue and it will be OK. In fact, however, preserving State water sovereignty is not so easy. The reality of how Federal water rights are created, or not created, requires that we speak to the question, I believe, in this legislation.

The appropriation doctrine is the water law of Western States and has as its central premise that the first person to claim a water right has priority on its use over those water claimants who assert claims at a later date. In the arid West, this principle lies at the very heart of our economy. It is the ability to allocate this precious resource—the resource of water—that allows us to exist in the West.

It is for this reason we westerners become particularly agitated when the Federal Government tries to disrupt this principle or to "take" our water. Does this legislation create a Federal reserved water right? The answer is no, it doesn't. But it should say that very clearly. And I will support an amendment that I hope can pass, which will say very clearly that, within the Endangered Species Act reauthorization, it doesn't.

With all of those considerations, though, I believe it is important that we move S. 1180. I think it is a positive step forward. As I have said, I believe it lays the right foundation for further changes in Congresses to come. It says to the American people that we are concerned about preserving species of animals, insects, of all things on this earth, if we can possibly do it. At the same time, there is a reasonable right and a reasonable responsibility enshrined within the Constitution that we preserve the right of the citizenry to exist also.

It is for this reason that this legislation should clearly state the Congress' intent. For the record, this Senator does not intend for the endangered species reauthorization legislation to create a federal reserved water right. This is why I believe S. 1180 must state clearly that no implied or express federal water right is created in this legislation. I will support and vote for such an amendment.

With these areas of concern in mind, I am also inclined to support a shorter term of reauthorization than S. 1180 provides. As I mentioned previously, it

is my goal to build additional improvements on the foundation laid by this legislation. Accelerating the opportunity for Congress to re-open the issue would only advance that goal.

In closing, Mr. President, let me repeat my endorsement for the goals that Senator KEMPTHORNE and the other supporters of this bill set out to achieve in reauthorizing the Endangered Species Act. I think the bill will make improvements that are critical to ongoing EAS efforts in my state and elsewhere in the nation, and amendments in the areas I have discussed today will enhance those improvements.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Utah is recognized.

#### COMPREHENSIVE ANTI-TOBACCO LEGISLATION

Mr. HATCH. Mr. President, to date, our efforts to develop comprehensive, bipartisan anti-tobacco legislation have been stymied by the lack of consensus on a number of major issues.

Over the next few weeks, I intend to devote full attention toward refocusing our efforts on a bill which can be enacted this year.

To accomplish that goal, it is important that Congress and the Administration reflect on what our objective actually has been—and should continue to be.

Last June, the 40 State Attorneys General, public health representatives, tobacco company officials, and representatives of the Castano group, announced a bold new initiative focused on eradicating the scourge of youth tobacco use.

This proposed global tobacco settlement presents Washington with a once-in-a-generation opportunity to help families and communities raise a whole generation of youth tobacco-free.

Certainly, no one in Congress was bound to the particulars of the June agreement.

But, we would not have seen such virtually unprecedented legislative consideration of the tobacco issue in the past 11 months were it not for this settlement.

In short, our objective in 1997 was to improve the public health, and specifically the health of our youth, through a constitutional package of reforms which relies on a guaranteed stream of revenue from tobacco companies.

Our objective should be the same in 1998.

But it appears that it is not.

Unfortunately, partisan politics, fear, greed and Washington's pile-on mentality have caused us to lose sight of this objective.

Instead, we are simply trying to "out-tobacco" one another. If that continues, the public interest will not be served, and Big Tobacco will win.

As an optimist, I remain hopeful the Congress will succeed this year in passing strong, anti-tobacco legislation