

were on the floor yesterday during discussion of this issue moved to be cosponsors of this legislation. I thank Senator FORD who also, for years, has worked for the rights of the disabled. Finally, I thank our Sergeant at Arms, Mr. Greg Casey. He has been extraordinarily patient and conscientious in working with myself and our staff. I thank him for helping to bring justice to the floor of the Senate.

Mr. President, the U.S. Senate has done the right thing today by standing up for full legal rights and equal opportunity for those like Ms. Shea who have a visual impairment. The Senate is sending a message across this country that we are not going to leave our citizens behind. I am very proud that the Senate has taken this action. I yield the floor.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Oregon and Ms. Shea for doing this historic and unprecedented resolution. This is a beautiful dog, Ms. Shea, and we are proud to have you on the floor of the U.S. Senate and proud to have your dog here as well.

Mr. LEVIN. Will the Senator yield?

Mr. HATCH. I yield.

Mr. LEVIN. I want to join Senator HATCH in congratulating and thanking the Senator from Oregon for his persistence.

Ms. Shea, we are delighted you are on the Senate floor with your dog. It is a historic day for the Senate. Senator HATCH has made the point and I join, and I think all of our colleagues join, in expressing appreciation to the Senator from Oregon who has done an important service for the Senate for making it possible for this to happen.

Mr. WYDEN. I thank my colleague.

UNANIMOUS-CONSENT REQUESTS— S. 522

Mr. LOTT. Mr. President, today is April 15, tax day. There has been a good effort underway between Senator COVERDELL and Senator GLENN and Senator ROTH and others to bring before the Senate very important legislation, S. 522, regarding the unauthorized access of tax returns. They have come to a bipartisan agreement. I think on this day it is very important that we have this legislation come before the Senate to be debated and voted on. The American people certainly feel that should be done. I think they will feel comforted by the fact that the Senate stepped up and has addressed these concerns. This idea of a snooping through taxpayers files is very offensive to all Americans. So we need to get this done today.

Mr. President, I ask unanimous consent that at 2:15 today, April 15, the Senate proceed to the consideration of calendar No. 37, S. 522, regarding the unauthorized access of tax returns and the bill be considered under the following limitations: That there be only 1 amendment in order to the bill, to be offered by Senators COVERDELL, GLENN,

and ROTH, no other motions or amendments be in order, and further, total debate on the amendment and the bill be limited to 1 hour 35 minutes, divided equally between Senator COVERDELL or his designee and Senator GLENN or his designee. I further ask consent that following the expiration or yielding back of time, the Senate proceed to vote on the Coverdell amendment, the bill then be read the third time, and there then be 10 minutes for debate, to be equally divided, to be followed by the final vote on passage of S. 522, as amended, if amended.

Mr. DASCHLE. Mr. President, I support the Coverdell-GleNN substitute amendment to establish criminal penalties for unauthorized inspection of tax returns and tax information. Penalties already exist for unauthorized disclosure of these documents. It is only fair and reasonable that these be extended to unauthorized inspection as well, particularly in light of the recent revelations involving misbehavior by some IRS employees. Tax filings are privileged, private information. Taxpayers have a right to know that the information they provide the IRS will be seen only by those who process it in the normal course of Government business.

I would like to salute Senator GLENN, in particular, for his steadfast advocacy of this legislation over the years. The distinguished Senator from Ohio was ahead of his time when, years ago, he proposed the changes incorporated into the legislation before the Senate today. On behalf of the taxpayers of my State, I would like to thank him for his leadership on this important issue.

I also want to thank Senator COVERDELL and others who have been involved in this effort. I don't know that there is much opposition at all to their mutually effective work in addressing the problem that needs to be addressed at the earliest possible date.

Unfortunately, as anyone who watches the news knows, we have a set of circumstances in the upper Midwest that also requires immediate action. Severe flooding, brought on by the most severe winter in the history of the region, has devastated hundreds of communities throughout the States of Minnesota and South and North Dakota. In my home State of South Dakota, there have been only 2 days this year in which a Presidential Disaster Declaration has not been in effect for the entire State. Despite the best efforts of FEMA and the administration to respond, State and local governments have been financially devastated by the costs associated with these disasters. The ongoing flooding that is currently occurring is having an even greater financial effect on families and individuals. In Watertown, SD, and other communities in the region, thousands of residents have been evacuated from their homes due to rising flood waters. Many of these evacuated homeowners have now discovered that they are unable to obtain benefits from their flood

insurance, even though they purchased flood insurance and are now flooded out and lost their homes, their farms, and their businesses. Just last week, when many of us were home, we pledged immediate response in an effort to resolve the problem that they have as quickly as possible. I simply cannot pass up the opportunity, legislatively, to attempt to find a way to reconcile that pledge with my responsibilities here on the Senate floor.

So it is in keeping with that effort that I ask unanimous consent that as part of the Coverdell amendment, we allow this small change, which the administration is completely in support of. There is very, very minimal budgetary exposure involved, and it would be an extraordinary measure of assistance to many people who, today, are not only without insurance coverage, but are also without homes. So I simply ask unanimous consent that this small change in the flood insurance law be accommodated in the Coverdell amendment. Then I will have no objection.

Mr. LOTT. Mr. President, reserving the right to object to that additional unanimous-consent request. I might say that I am from a State that has been disaster prone, and I know that Senator DASCHLE's area has had all kinds of problems this year—drought, flooding, freezing flooding, the works. We have had similar problems in my State, from droughts to floods, tornadoes, hurricanes, freezing rain, which have caused terrible devastation. So I am sympathetic to the problem.

However, this is asking for a change in the law that has been in place since 1968. Clearly, my constituents and the constituents all over America that have had to deal with disasters have complied with and have dealt with this 30-day requirement of the insurance coverage versus 15 days. Regardless of that, I think it is something we should consider. But we have just recently been aware of the language of the Senator from South Dakota in this area. We need to assess whether there is objection to it. Will there be a budget impact? What does it mean for people that had to deal with it in the past or will in the future? We are checking with the chairmen of the Budget Committee, the Banking Committee, and the Finance Committee. I think we should not leap to do it until we know for sure exactly what the impact would be.

Again, I do think we should work with each other in a bipartisan way, always, when disasters are involved. But as good stewards of our constituents, we need to make sure we understand the ramifications, too.

So I think that within, hopefully, a relatively short period of time, we will be able to get an assessment of any negative impact that might come from this.

I hope we can get started with this legislation, which is so important with regard to snooping through IRS files.

Everybody understands that it is wrong. People are outraged by it. There is a bipartisan commitment to it. So if we don't get an agreement to get started on this now, or shortly, we will not be able to get it done today, which is symbolically a very important day to do it. So I would not be able to agree to this change in the bill at this time, while we are talking it out.

I have suggested another alternative to make in order as an amendment. There are a lot of options. We could either withdraw it, or accept it, or vote on it later in the day. We will work with the Senators that have the jurisdiction. We will talk with the Senator from South Dakota to see if we can work something out on the flood insurance provision.

In the meantime, I do object to the addition at this time. I plead with the Senator to allow us to proceed with this legislation under our unanimous-consent request while we continue to work on this issue.

Mr. DASCHLE. Mr. President, I have no objection at all to proceeding with consideration of the legislation. As I indicated, I think Senators COVERDELL and GLENN ought to be complimented for their work in trying to address this matter. There is a difference between proceeding to the bill and proceeding under the unanimous-consent request, as propounded by the majority leader. I, of course, would object to the unanimous consent request but would have no objection to proceeding to the bill in an effort to begin debate.

Mr. LOTT. In view of that, then, Mr. President, I am prepared to yield the floor. I advise Senators that we will renew our request again, probably within an hour or so after we have had a chance to check further into this matter.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senator from Illinois, Senator DURBIN, be recognized for up to 10 minutes of morning business following the remarks of Senator HATCH.

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

The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business for 20 minutes.

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

DISAPPOINTMENT WITH THE ATTORNEY GENERAL

Mr. HATCH. Mr. President, I hoped to come to the floor today to deliver a statement commending the Attorney General for her courageous decision to do the right thing and request the appointment of an independent counsel to investigate the fundraising violations in connection with the 1996 Presidential election. Regrettably, I am here today for a much different reason, to express disappointment and frustra-

tion with her refusal to even initiate an independent counsel's appointment.

I appreciate the fact that the Attorney General is under enormous pressure from the White House, the Congress, the media, and the public, and that she is in a very unenviable position. I have respect and admiration for the Attorney General, but her refusal to do what the law permits and indeed requires her to do, frankly, does not engender respect or admiration in this instance.

The Clinton administration and the Department of Justice is trying to cast her decision as a legal decision when, in fact, it is a decision within her power, and in my opinion, one which she is ethically obliged to make.

As chairman of the Senate Judiciary Committee, which, pursuant to its statutory responsibilities requested 33 days ago that the Attorney General apply for the appointment of an independent counsel, I am compelled to respond to what can only be characterized as her inadequate response. In all candor, the substance of the Attorney General's report is vague, ambiguous at best, and at times, legally disingenuous. Especially in light of the fact that the committee requested she evaluate and report on "all of the information before her," not just a few isolated allegations, the Attorney General's report also is incomplete, and in a rather selective way at that.

A judge in a court of law would recognize the Attorney General's report as a defense brief, too clever by a half, carefully and zealously crafted to serve a client's interest. But the Attorney General's client here is not the President of the United States or her political party, it is the public. And the public's confidence that this investigation will be fair, as thorough, and as tough as any other, altogether untainted by political considerations, has not been fulfilled. I am afraid this client, the public, has been disserved.

Given the evasiveness of the Attorney General's report, together with the delay in its transmission and the fact that as the Attorney General herself admits, "much has been discovered," since the committee sent its letter, I have little choice but to conclude that much to my disappointment, the Attorney General did not receive our request with a mind fully open to doing what is plainly in our Nation's best interests.

Before responding to the Attorney General's report in more detail, I feel I should briefly review what the independent statute provides for. An independent counsel can be triggered in one of two ways: Where there is sufficient information to investigate whether any person "covered" by the statute may have violated Federal law; or where an investigation of someone else who may have violated the law may result in a political or other conflict of interest. It is that simple.

Let me talk, No. 1, about the mandatory trigger of that legislation. With

respect to the first, the mandatory trigger where "covered individuals" are at issue, the Attorney General's report does little but make reference to legal "factors that must be considered," and then repeatedly draws the summary conclusion that she does not have specific and credible evidence that a covered individual may have violated the law. Despite the White House's characterization of the Attorney General's decision as simply "applying the law to the facts," there is virtually no application of the pertinent law to the pertinent facts actually before the public, let alone the facts before the Attorney General.

While the statute requires the Attorney General to set forth the reasons for her decisions with respect to each matter before her, in my view she has utterly failed to do so here. To illustrate just a few examples of the inadequacy of the Attorney General's response, let me point out that she fails to specifically explain why an independent counsel is not warranted to further investigate the abundant evidence that covered individuals made extensive and deliberate use of Federal property and resources for campaign purposes including, for example, the Lincoln bedroom, and other areas of the White House, Air Force One, and a computer database costing the taxpayers \$1.7 million.

An authority higher than me and more independent than the Attorney General needs to determine the scope of the various laws implicated by this conduct and whether any of the laws were violated. The Attorney General's somewhat evasive approach to this entire matter is aptly illustrated by her argument that the use of the Government telephone does not constitute conversion of Government property. I am sure it does not. But as the Attorney General knows all too well, that is beside the point. The allegations of misuse of Government property are not based on phone calls.

Mr. President, the Attorneys General's evasive approach to this entire matter is aptly illustrated by her argument that the use of the Government telephone does not constitute conversion of Government property. I am sure it does not. But, as the Attorney General knows all too well, that is beside the point: The allegations of misuse of Government property are not based on phone calls, but on the diversion of resources, such as the White House, Air Force One, and the White House database for campaign purposes, while phone solicitations were not alleged to have violated the conversion laws, but rather the prohibition on solicitations from Federal property. The conclusion I cannot help but draw here is that, however involved the Attorney General's career staff was in preparing this letter, in the end, it was her political advisers who had the last word.

In short, the Attorneys General's carefully finessed and, in some cases, deliberately irrelevant legal arguments, combined with her summary