

to show that we worked to make sure that Senators' concerns, which were certainly understandable, were accommodated.

Was there objection?

The PRESIDING OFFICER. No objection was heard to the majority leader's request.

Mr. LOTT. I thank the Chair.

### TAXPAYER PRIVACY PROTECTION ACT

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 522) to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes.

The Senate proceeded to consider the bill.

#### AMENDMENT NO. 45

(Purpose: To amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information)

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. COVERDELL, for himself, Mr. GLENN, Mr. ROTH, and Mr. MOYNIHAN proposes an amendment numbered 45.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayer Browsing Protection Act".

#### SEC. 2. PENALTY FOR UNAUTHORIZED INSPECTION OF TAX RETURNS OR TAX RETURN INFORMATION.

(a) IN GENERAL.—Part I of subchapter A of Chapter 75 of the Internal Revenue Code of 1986 (relating to crimes, other offenses, and forfeitures) is amended by adding after section 7213 the following new section:

##### "SEC. 7213A. UNAUTHORIZED INSPECTION OF RETURNS OR RETURN INFORMATION.

"(a) PROHIBITIONS.—

"(1) FEDERAL EMPLOYEES AND OTHER PERSONS.—It shall be unlawful for—

"(A) any officer or employee of the United States, or

"(B) any person described in section 6103(n) or an officer or employee of any such person, willfully to inspect, except as authorized in this title, any return or return information.

"(2) STATE AND OTHER EMPLOYEES.—It shall be unlawful for any person (not described in paragraph (1)) willfully to inspect, except as authorized in this title, any return or return information acquired by such person or another person under provision of section 6103 referred to in section 7213(a)(2).

"(b) PENALTY.—

"(1) IN GENERAL.—Any violation of subsection (a) shall be punishable upon conviction by a fine in any amount not exceeding \$1,000, or imprisonment of not more than 1

year, or both, together with the costs of prosecution.

"(2) FEDERAL OFFICERS OR EMPLOYEES.—An officer or employee of the United States who is convicted of any violation of subsection (a) shall, in addition to any other punishment, be dismissed from office or discharged from employment.

"(c) DEFINITIONS.—For purposes of this section, the terms 'inspect', 'return', and 'return information' have the respective meanings given such terms by section 6103(b)."

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (2) of section 7213(a) of such Code is amended by inserting "(5)," after "(m)(2), (4)."

(2) The table of sections for part I of subchapter A of chapter 75 of such Code is amended by inserting after the item relating to section 7213 the following new item:

"Sec. 7213A. Unauthorized inspection of returns or return information."

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring on and after the date of the enactment of this Act.

#### SEC. 3. CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION OF RETURNS AND RETURN INFORMATION; NOTIFICATION OF UNLAWFUL INSPECTION OR DISCLOSURE.

"(a) CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION.—Subsection (a) of section 7431 of the Internal Revenue Code of 1986 is amended—

(1) by striking "DISCLOSURE" in the headings for paragraphs (1) and (2) and inserting "INSPECTION OR DISCLOSURE", and

(2) by striking "discloses" in paragraphs (1) and (2) and inserting "inspects or discloses".

(b) NOTIFICATION OF UNLAWFUL INSPECTION OR DISCLOSURE.—Section 7431 of such Code is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) NOTIFICATION OF UNLAWFUL INSPECTION AND DISCLOSURE.—If any person is criminally charged by indictment or information with inspection or disclosure of a taxpayer's return or return information in violation of—

"(1) paragraph (1) or (2) of section 7213(a),

"(2) section 7213A(a), or

"(3) subparagraph (B) of section 1030(a)(2) of title 18, United States Code,

the Secretary shall notify such taxpayer as soon as practicable of such inspection or disclosure."

(c) NO DAMAGES FOR INSPECTION REQUESTED BY TAXPAYER.—Subsection (b) of section 7431 of such Code is amended to read as follows:

"(b) EXCEPTIONS.—No liability shall arise under this section with respect to any inspection or disclosure—

"(1) which results from a good faith, but erroneous, interpretation of section 6103, or

"(2) which is requested by the taxpayer."

(d) CONFORMING AMENDMENTS.—

(1) Subsections (c)(1)(A), (c)(1)(B)(i), and (d) of section 7431 of such Code are each amended by inserting "inspection or" before "disclosure".

(2) Clause (ii) of section 7431(c)(1)(B) of such Code is amended by striking "willful disclosure or a disclosure" and inserting "willful inspection or disclosure or an inspection or disclosure".

(3) Subsection (f) of section 7431 of such Code, as redesignated by subsection (b), is amended to read as follows:

"(f) DEFINITIONS.—For purposes of this section, the terms 'inspect', 'inspection', 'return', and 'return information' have the respective meanings given such terms by section 6103(b)."

(4) The section heading for section 7431 of such Code is amended by inserting "INSPECTION OR" before "DISCLOSURE".

(5) The table of sections for subchapter B of chapter 76 of such Code is amended by inserting "inspection or" before "disclosure" in the item relating to section 7431.

(6) Paragraph (2) of section 7431(g) of such Code, as redesignated by subsection (b), is amended by striking "any use" and inserting "any inspection or use".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to inspections and disclosures occurring on and after the date of the enactment of this Act.

#### SEC. 4.

(a) IN GENERAL.—Section 1306(c)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(1)) is amended by striking "30" and inserting "15".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be construed to have taken effect on January 1, 1997, and shall expire June 30, 1997.

Mr. COVERDELL. Mr. President, as I understand the situation at the moment, we now have until 4:05, when the unanimous consent called for the vote. Time would be equally divided?

The PRESIDING OFFICER. The Senator from Georgia is correct.

Mr. COVERDELL. Is that about 20 minutes on each side?

The PRESIDING OFFICER. There will be 17½ minutes for each side.

Mr. COVERDELL. Mr. President, first, let me thank all the Senators who have played a significant role in this legislation that we are about to vote on, certainly Senators GLENN of Ohio and ROTH of Delaware and others, who have committed themselves to ending the practice on the part of the IRS of snooping through the personal tax files of American citizens.

Recently, the GAO issued its report on IRS system security, on April 8, which was initiated at the request of Senator GLENN. The General Accounting Office concluded that the IRS has failed to effectively deal with file snooping. It says:

Further, although the IRS has taken some action to detect browsing—

That word means looking at the personal tax files of American taxpayers.

it is still not effectively addressing this area of continuing concern because (1) it does not know the full extent of browsing and (2) it is consistently addressing cases of browsing.

The GAO found that the IRS still does not know the full extent of file snooping, it says:

Because the IRS does not monitor the activities of all employees authorized to access taxpayer data . . . , IRS has no assurance that employees are not—[snooping, they use the word browsing] taxpayer data, and no analytical basis on which to estimate the extent of the browsing problem or any damage being done.

The Internal Revenue Service stated a zero tolerance policy, with regard to file snooping. In 1993, Commissioner Margaret Richardson stated:

Any access of taxpayer information with no legitimate business reason to do so is unauthorized and improper and will not be tolerated.

She said:

We will discipline those who abuse taxpayer trust up to and including removal or prosecution.

Recent reports have documented up to 800, last year alone, files were violated, hundreds of employees have been involved—and there have been 23 suspensions. This statement that was made to the American people has not been fulfilled. That is why this legislation is here today.

Since the IRS Commissioner made this statement, the IRS has found 1,515 additional confirmed cases of file snooping. But, as I said, only 23 resulted in job termination and only 23 percent resulted in any disciplinary action at all. Since 1991, there have been 3,345 confirmed cases of file snooping by IRS employees.

This is reprehensible activity. These are very, very personal records and are expected to be maintained in just that way. I think the irony of this is that whenever you get at odds with IRS, you get audited. Some would say audited is a kind word. Some people feel they have been bludgeoned. But the IRS has been engaged in activity that is reprehensible and it is time for them to be audited.

This measure, coauthored by myself, Senator GLENN, Senator ROTH and others, is the beginning of an audit of IRS. It is symbolic that we pass this legislation today but it is important to note that the IRS Accountability Act comes right behind this, the IRS Accountability Act, which will deal not only with file snooping, but with random audits, balancing the ledger between the taxpayer and this agency, and putting IRS agents under the same laws as the rest of American citizens.

Recently, the Wall Street Journal, on April 3, 1997, printed an article about IRS activities. I will quote it here. According to a Federal jury here, this gentleman:

... took unauthorized looks at returns of a political opponent, [this is an IRS employee] a family adversary, and two associates in the white-supremacist movement whom, the government says, he suspected of being informers. The jury convicted [this gentleman] in December 1995 on 13 counts of wire and computer fraud, and he spent 6 months of 1996 in jail.

Some IRS browsers apparently are merely nosy. Geoffrey Coughlin, a Houston account analyst, last year pleaded guilty to looking at more than 150 unauthorized files, including those of friends and relatives, ex-girlfriends, politicians, and sports stars.

This is another case. Robert M. Patterson, an IRS examiner in Memphis, TN, scanned agency computers for tax records of people named Dolly Parton, Wynonna Judd, Karen Carpenter, Garth Brooks, Elizabeth Taylor—well, it is pretty clear, to understand the drift here.

This legislation, Coverdell-Glenn-Roth, makes it a Federal misdemeanor, \$1,000 fine, a year imprisonment under the Federal sentencing guidelines. A convicted offender would pay costs of prosecution and be dismissed from position where applicable. It covers Federal employees and officers, and State and other employees who have access to tax records.

Taxpayers whose files have been accessed and are disclosed without proper authorization can seek civil action; such civil action against the United States, when the offender is a Federal employee, and against the individual offender when not a Federal employee. It requires taxpayer notification if we certify that their files have been improperly accessed or disclosed and they would be notified when the offender is charged formally.

There are several Senators who want to speak on this measure. I notice the Senator from Ohio has arrived, the co-author of the proposal.

I am going to yield to the Chairman of the Finance Committee, Senator ROTH, who has done outstanding work on this proposal.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 9 minutes remaining.

Mr. COVERDELL. I yield 5 minutes to the chairman of the Finance Committee.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. ROTH. Mr. President, students of history may remember Henry Stimson. He served America as Secretary of War and Secretary of State in the first half of the 20th century. While in office, Stimson tried to close down American counterintelligence sources. His reason, you may recall, was that "gentlemen do not read each other's mail."

Today, Mr. President, Henry Stimson would not only be concerned about counterintelligence operations but about the Internal Revenue Service as well. Recent reports disclose that among the abuses and misuses of power and access at the IRS is the ability of IRS employees to snoop in the files of unwitting taxpayers.

While it's not the mail that these snoops are reading, it is something just as sensitive. I don't know of anyone who wants his or her detailed financial information perused without reason. The millions of Americans who comply with the law and file tax returns each year, should be able to do so without fear or hesitation that someone—for purposes of curiosity, revenge, or even a more avaricious motive—is snooping through their private information.

If Government has one responsibility to these men and women it certainly must be to ensure their privacy. Current law does prohibit the disclosure of confidential taxpayer information. However, the Internal Revenue Code does not specifically prohibit IRS employees from unauthorized inspection or snooping of confidential taxpayer information.

I can think of no better day to call for change than today, April 15, when once again those millions of trusting Americans are rushing their returns off to the IRS.

You may remember, Mr. President, that last year, Congress amended title

18 of the United States Code to make it a crime to use a computer to snoop information of any Federal department or agency, including the IRS. However, last year's legislation did not apply to unauthorized inspection of paper documents.

The bill we introduce today will correct that. It will require that tax return information be kept confidential by the IRS and its employees. It will ensure that IRS employees do not snoop confidential taxpayer information.

This bill will create a criminal penalty in the Internal Revenue Code of up to 1 year in prison and/or a fine of up to \$1,000, plus the cost of prosecution for unauthorized willful browsing of confidential taxpayer information. The bill will also require the abusing employee to be fired.

The bill will allow civil damages for snooping, and, if an IRS employee is indicted for unlawful inspection or disclosure of a taxpayer's confidential information, the bill will require that the IRS notify the taxpayer.

Mr. President, this bill will provide additional protections and some peace of mind for taxpayers. I want to thank Senator COVERDELL and Senator GLENN for their efforts to protect taxpayers by making it a crime for IRS employees to snoop taxpayer data.

Mr. MOYNIHAN. Mr. President, I rise as an original cosponsor of this legislation to associate myself with the remarks of the distinguished chairman of the Committee on Finance. Unauthorized browsing of confidential tax information undermines the confidence of taxpayers, and such behavior ought to be subject to criminal penalties—which it will be under this bill.

This legislation is a product of the bipartisan efforts of the Senator from Ohio, Mr. GLENN, the Senator from Georgia, Mr. COVERDELL, the chairman of the Finance Committee, Senator ROTH, and the Senator from New York, among others. I join my chairman in urging its prompt enactment.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. We each have 17 minutes, is that correct?

The PRESIDING OFFICER. Seventeen and one-half minutes.

Mr. GLENN. I yield myself such time as I shall use.

Mr. President, today is April 15. We do not need to tell everybody that. It is tax day for most Americans. On this day, honest hard-working citizens voluntarily—voluntarily—share their most personal and sensitive financial information with their Government.

All Americans should have unbridled faith that their tax returns will remain absolutely, unequivocally confidential and zealously safeguarded. That is the hallmark of our taxpaying system, and if this trust is breached, it shakes the whole foundation of our very Government, because it means our people are losing faith in their Government.

That is why I am proud to be standing here today as one of the authors, one of the sponsors, the Democratic sponsor of legislation to outlaw what I have come to term as "computer voyeurism." That is the unauthorized inspection of your tax information by those not entitled to see it, not the people legitimately working on your tax account.

In 1993 and 1994, as chairman of the Governmental Affairs Committee, I held hearings which first exposed this insidious practice. We came across it almost by happenstance.

In 1990, I was pleased to work with my distinguished colleague who just spoke, Senator ROTH, then ranking member of the committee, to pass into law the Chief Financial Officers Act. That measure required major Government agencies to do something for the first time which our own private businesses take for granted. That is, producing annual auditable financial statements so we know how much money is being spent, where it is being spent, and how it is being spent.

I figured that of all the Government agencies which should be able to balance its books and come up with a good auditable statement, it would be the IRS; it should be able to account for all the revenue taken in, and the IRS would be the agency we would look at first. In fact, before the CFO Act, we had no idea of the differences between what revenues the IRS reported it was collecting and what was actually on the books. Little did I know then how wrong I really was.

For 4 years running now, the IRS has not been able to pass its own audit. The General Accounting Office, which we asked to go in and help audit the IRS, still cannot even render an opinion on the reliability of the IRS's own books due, in part, to missing records, unsubstantiated amounts, and unreliable information. If we have that situation in the IRS, you can imagine what the situation is in some of the other agencies of Government.

The IRS, I guess if we put it in our own household terms, it would be records in a shoe box under the bed. If your return was being audited and you could not come up with the documents, you would be called on the carpet for that. You would not get too much sympathy. But all that is another story, one of which the Governmental Affairs Committee has held numerous oversight hearings on.

But it was through these initial GAO CFO audits we first discovered the problems IRS was having in preventing and detecting employees who get their kicks, apparently, out of surfing through other people's tax returns, ones they are not supposed to be working on or looking at.

Our hearings revealed that in the years 1989 to 1994, more than 1,300 IRS employees were investigated on suspicion of snooping through private taxpayer files. Those probes resulted in disciplinary action against 420 workers,

primarily in the Southeast region where the investigation was concentrated.

My investigation found that some IRS employees had been browsing through the financial records of family members, ex-spouses, coworkers, neighbors, friends and enemies, and celebrities in particular.

They also had submitted fraudulent tax returns and then used their computer access to monitor the IRS review of those returns.

They used the computer to issue fraudulent refunds to family and to friends and, in fact, one employee was reported to have altered about 200 accounts and received kickbacks from inflated refund checks.

We, in Congress, at that time were absolutely stunned at these revelations and did not believe it could happen, but it did. But it did not light a candle to the firestorm across the country from outraged—appropriately outraged—American taxpayers because we got a wave of indignation. Taxpayers were shocked to know that the most personal information they voluntarily, and in good faith, provide to the Government could, in effect, become an open book for others' private entertainment.

Even worse was the pitifully low number of employees fired for committing these awful actions. It turned out that no criminal penalties existed for these kinds of browsing offenses.

Mr. President, above the entrance to the main IRS building in DC are inscribed the famous words uttered by Oliver Wendell Holmes:

Taxes are what we pay for a civilized society.

Unfortunately, what American citizens have been subjected to in this case is downright uncivilized behavior.

At our hearings, the Commissioner of Internal Revenue pledged to implement a "zero tolerance" policy. Warnings of possible prosecution for unauthorized use of the system began appearing whenever workers logged on to the main taxpayer account database. Explicit memos went out to all employees warning them against such unauthorized activities.

Finally, a new automated detection program, called EARL—electronic audit research log—was installed on the primary computer system to monitor employee use and alert managers to possible misuse.

To evaluate the effectiveness of these actions, particularly the new computer detection system, I asked GAO to conduct a review. I also asked the inspector general at the Department of Treasury to perform an inspection.

In the meantime, we worked with the Treasury Department, the Department of Justice and the IRS to come up with a legislative solution for closing the legal loophole that let browsers off the hook from criminal punishment.

That effort culminated in the legislation, the Taxpayer Browsing Protection Act, which I introduced in 1995

during the 104th Congress and as S. 523 for the 105th Congress.

The goal was simple: to make willful browsers subject to a criminal misdemeanor penalty of up to \$1,000 and a year in jail, and if any IRS employees are convicted of such an offense, they would be fired immediately. Zero tolerance should mean what it says—absolutely, positively no tolerance.

That legislation was incorporated into this amendment and was the basis for the bill as is currently being considered in the House.

We were not able to pass my bill in the last Congress—we did come close to trying to move it in the Senate—the issue has gotten more exposure now due to two recent court cases.

Just last year, in Tennessee, a jury acquitted a former IRS employee who had been charged with 70 counts of improperly peeking at the tax returns of celebrities such as Elizabeth Taylor, Dolly Parton, Wynonna Judd, Michael Jordan, Lucille Ball, Tom Cruise, President Clinton, and Elvis Presley, just to name some of them.

More recently, just a few weeks ago, a Federal appeals court in Boston reversed the conviction of a former employee who had been found guilty of several counts of wire and computer fraud by improperly accessing the IRS taxpayer database. It is reported that he had browsed through several files, including those of a local politician who had beaten him in an election, and a woman he once had dated. The Government had alleged that this worker was a member of a white supremacist group and was collecting data on people he thought could be Government informers.

In both of these cases, though there was unauthorized snooping, because there was no subsequent disclosure to third parties, no criminal penalties could be meted out. As the First U.S. Circuit Court of Appeals held:

Unauthorized browsing of taxpayer files, although certainly inappropriate conduct, cannot, without more, sustain a felony conviction.

Sounds ridiculous, but that is what the court ruled. That was their interpretation of the fine print of the law. I doubt these kinds of decisions give great comfort to honest law-abiding citizens.

I should note that last year, Congress passed the Economic Espionage Act of 1996. My good friend, Senator LEAHY, played a major part in this effort. This law does provide title 18 criminal penalties for anyone intentionally accessing a computer without authorization, or exceeding authorized access, and obtaining any information from any Department or agency of the United States. This section may be helpful in prosecuting future cases, since it would apply to tax information stored in computers.

This provision is not enough in our efforts to deter and punish browsing, for, according to the IRS, it does not apply to the unauthorized access or inspection of paper tax returns, return

information in other forms, such as documents or magnetic media, such as tapes.

That is why we, all taxpayers, need the protections originally espoused in the bill and incorporated in this amendment to specifically fill this gap and ensure unauthorized browsing or inspection of any tax information in any form is subject to criminal penalties, and that is what this does. It will also provide those criminal sanctions within the Internal Revenue Code so that the confidentiality scheme governing tax information and the related law enforcement mechanisms are preserved in the same section.

While I do feel the recent court decisions have spurred us on, I also believe the new findings contained in a GAO report I released last weekend entitled "IRS Security Systems: Tax Processing Operations and Data Still at Risk Due to Serious Weaknesses," have brought this problem to the forefront.

This report is the evaluation I asked GAO to undertake in 1994 in response to the actions implemented by the IRS to prevent browsing and enforce its zero tolerance policy. It was released by GAO earlier this year; however, because some of the specific details could potentially jeopardize IRS security, the report was designated for "Limited Official Use" with restricted access.

I have been involved in this important issue for a long time and because I believe the public has a right to know, I requested that GAO issue a redacted version of the report suitable for public release. I thank GAO for their hard work in this matter and also the IRS for their cooperation in making this possible.

The findings of GAO's report are disturbing. Even more important, their conclusions are reaffirmed by the IRS in a comprehensive internal report of their own compiled last fall.

In addition, I should add, they are buttressed to some extent by a review I asked the Treasury Inspector General to conduct on IRS computer security controls and the Service's progress in addressing the shortcomings. That report, too, is "Limited Official Use." But I can tell you, while there have been some positive actions taken to proactively confront this problem, we are nowhere near any satisfactory resolution.

The bottom line is although the IRS efforts in this area are well-intentioned, unfortunately they have come too late and fall far short of the commitment and determination sorely needed to tackle this problem head on.

The findings of GAO's report are disturbing. Just as important, their conclusions are affirmed by the IRS in a comprehensive internal report of their own compiled last fall.

GAO found that serious weaknesses in IRS's information security makes taxpayer data vulnerable to authorized use, to modification, or to destruction. According to GAO, the IRS also has no effective means for measuring the ex-

tent of the browsing problem, the damage being done by browsing, or the progress being made to deter browsing.

Finally, and this is something I am having GAO look at further, we do not know to what extent the detection and control systems exist in other IRS databases, besides "IDRS," the primary taxpayers' account system looked at here. That may be open for further problems.

I was struck by the candor in the IRS's own internal report on the "EARL" detection system. That report found its progress in management programs to prevent and detect browsing "painfully slow," as they determined. Quite distressing to me, the IRS internal report indicated that some employees felt IRS management does not aggressively pursue browsing violations. Some workers, when confronted about their snooping activities, saw nothing wrong and believed it would be of no consequence to them even if they were caught. Hard to believe.

Mr. President, we have to fix that. When you have over 1,500 investigations of browsing cases since my last hearings 2 years ago, and only 23 workers fired, something just is not right. That does not sound like zero tolerance to me.

I have a more detailed summary of the major findings contained in both the GAO and internal IRS report which I ask unanimous consent to have printed at the end of my statement.

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

(See exhibit 1.)

Mr. GLENN. I also point out the effectiveness of controls used to safeguard IRS systems, facilities, and taxpayer data. GAO found serious weaknesses in these efforts, especially in the areas of physical and logical security.

For example, the facilities visited by GAO could not account for over 6,400 units of magnetic storage media such as tapes and cartridges which might contain taxpayer data. Now, IRS responded last week they have located 5,700 of the units, but that means that 700 are still unaccounted for. That begs the question: Where are they? Are they deemed lost? And can they be misused? Each of the units can store tax information on thousands of Americans. We need to know where they are. Moreover, GAO only visited selected facilities. I just wonder if the IRS is able to track all of its inventory at the other major sites not visited by GAO. We would like to know what the results are there, too.

GAO also found that printouts containing taxpayer data were left unprotected and unattended in open areas of two facilities, where they could be compromised. I do not want to say much more on this portion of the report than I have already said, except that these matters and the others referred to by GAO must be dealt with swiftly and effectively.

I am glad to have brought this matter to the Senate's attention and am

pleased to have the support of colleagues. I commend the efforts of Senator COVERDELL in this area. He has added very significant provisions to some of the original language. I think we have an excellent bill. I want to congratulate him for taking the initiative in bringing this up.

The first of the sections that Senator COVERDELL brought would require that a taxpayer be notified by the Secretary of the Treasury when a criminal indictment or charge is brought against an IRS employee for unlawful inspection of that taxpayer's return or return information. This is something I remember Senator Pryor, our former colleague, bringing up before the Commissioner at one of our earlier hearings.

The second new section will provide taxpayers with a civil remedy in such unauthorized inspections as similarly provided under current law for unlawful disclosures. This provision clarifies that civil liability will not be a remedy in cases where the inspection is requested by the taxpayer or in any instance which results from an accidental review of a return or return information.

I want to be clear about that last point in reference to the legislation at hand. I do not want to compromise IRS employees' ability to do what they are supposed to be doing, especially in the areas of return processing, examination, and inspection. Under this bill, IRS employees will continue to be able to inspect tax returns or return information as authorized by the Internal Revenue Code or tax administration purposes without penalties. Only intentional, willful, unauthorized inspections will be subject to prosecution, where you knew or should have known it was wrong.

As the report by the House Ways and Means Committee states: "Accidental or inadvertent inspection that may occur—such as, for example, by making an error in typing in a TIN [Taxpayer Identification Number]—would not be subject to damages because it would not meet this standard."

These are good provisions and I welcome their inclusion. I also want to thank my distinguished colleague, Senator ROTH, who sat with us as ranking member of the Governmental Affairs Committee during our hearings last year during consideration of the Taxpayer Bill of Rights 2, pledged his commitment and support for bringing this legislation to the floor.

Let me say a word about the men and women who work at the IRS. The vast majority of the people who work at the IRS are just as fine a people as there are in this room or anywhere else in this country. They are dedicated. They are trying to do a good job. I do not want to unduly scare anyone that this is commonplace or that their privacy has been violated. You have a few bad apples over there, but I am sure most of the people over there want to turn in themselves because most of the people

of the IRS, including the Commissioner, are proud of the work they are doing.

The Commissioner has done a good job in many areas. I have been complimentary of her. Her plan to deal with the IRS is a good one. The way of getting it downhill to the centers and the different regions and having it done there did not occur the way it should have, with what I thought was a very good plan. I do not want to condemn all the IRS over there. Normally, the people look down on the tax man every April 15. We know that. It is not popular to pay taxes. The people working there are doing a great service for this country, and we want to weed out those few bad apples that may be over there.

I have visited some of the sites and I know what some of the IRS employees are up against. It is not an easy job. They are, by and large, a dedicated bunch, committed to their job and laboring under difficult conditions with very outmoded systems. Unfortunately, in this day and age, they must also fear for their own personal safety. However, even just a single incidence of this behavior is one too many and cannot be tolerated.

The IRS has a moral and legal obligation to uphold when Americans provide the Government with their most personal and private information. The IRS must have the complete trust and confidence of taxpayers. That means we cannot tolerate any of this browsing or mishandling of accounts. The American people expect and demand nothing less.

I thank you, and I reserve the balance of my time.

MAJOR FINDINGS FROM GAO REPORT, SUPPLEMENTED WITH EXCERPTS FROM THE IRS' EARL EXECUTIVE STEERING COMMITTEE REPORT

#### THE IRS SYSTEM DESIGNED TO DETECT BROWSING (EARL) IS LIMITED

The main monitoring system, EARL, is supposed to be able to detect patterns of potential abuse by IRS employees in the IRS' primary database (IDRS). GAO found that the EARL system is ineffective because it can't distinguish between legitimate work activity and illegal browsing. Only through time-consuming manual reviews, which, according to internal IRS documents can sometimes take up to 40 hours, can actual instances, of snooping be positively identified.

Moreover, EARL only monitors the main taxpayer database. There are several other systems used by employees to create, access, or modify data which, apparently, go unsupervised. This is something I have asked the GAO to look into further.

According to GAO, "because IRS does not monitor the activities of all employees authorized to access taxpayer data . . . IRS has no assurance that these employees are not browsing taxpayer data and no analytical basis on which to estimate the extent of the browsing problem or any damage being done."

In fact, according, to the IRS' EARL report:

"The current system of reports does not provide accurate and meaningful data about what the abuse detection programs are producing, the quality of the outputs, the effi-

ciency of our abuse detection research efforts, or the level of functional management follow through and discipline. This impedes our ability to respond to critics and congressional oversight inquiries about our abuse detection efforts."

#### IRS PROGRESS IN REDUCING AND DISCIPLINING BROWSING CASES IS UNCLEAR

IRS' management information systems do not provide sufficient information to describe known browsing incidents precisely or to evaluate their severity consistently.

The systems used by the IRS cannot report on the total number of unauthorized browsing incidents. Nor do they contain sufficient information to determine, for each case investigated, how many taxpayer accounts were inappropriately accessed or how many times each account was accessed.

Consequently, for known incidents of browsing, IRS cannot efficiently determine how many and how often taxpayers' accounts were inappropriately accessed. Without such information, IRS cannot measure whether it is making progress from year to year in reducing browsing.

Internal IRS figures show a fluctuation in the number of browsing cases closed in the last few years: 521 cases in FY'91; 787 in FY'92; 522 in FY'93; 646 in FY'94, and; 869 in FY'95.

More distressing, however, is the fact that in spite of the Commissioner's announced "Zero Tolerance" policy, the percentages of cases resulting in discipline has remained constant from year to year. Figures for FY'91-FY'95 show that the percentage of browsing cases resulting in the IRS' three most severe categories of penalties (disciplinary action, separation, resignation/retirement) has ranged between 23-32 percent, with an average of 29 percent.

The IRS' internal report also confirms this: "A review of disciplinary actions for IDRS abuse over the last four years showed that only 25% of the cases result in some discipline."

That report also indicated that almost one-third of the cases detected were situations where an employee accessed their own account, which, according to the report, is "generally attributable to trainee error."

#### INCIDENTS OF BROWSING ARE REVIEWED AND REFERRED INCONSISTENTLY

IRS processing facilities do not consistently review and refer potential browsing cases. They had different policies and procedures for identifying potential violations and referring them to the appropriate unit within IRS for investigation and action. Further, IRS management had not developed procedures to assure that potential browsing cases were consistently reviewed and referred to management officials throughout the agency.

The IRS internal report identifies this as a problem area, too:

"Although the EARL system has been under development since 1993, the service has not yet maximized its ability to identify IDRS browsing. The process is labor intensive and there is little accountability for effectively using EARL and handling the cases it identifies. There is little consistency in the detection procedures from one center to the next or in how discipline is applied on abuse cases throughout the nation."

#### PENALTIES FOR BROWSING ARE INCONSISTENT ACROSS IRS

Despite IRS policy to ensure that browsing penalties are handled consistently across the agency, it appears that there are disparities in how similar cases are decided among different offices, or even sometimes within the same office. Examples of inconsistent discipline included:

Temporary employees who attempted to access their own accounts were given letters of reprimand, although historically, IRS terminated temporary employees for this type of infraction.

One employee who attempted to access his own account was given a written warning, while other employees in similar situations, from the same division, were not counseled at all.

The IRS' EARL internal report also demonstrated widespread deviations on how browsing penalties were imposed. That report showed that for FY'95, for example, the percentage of browsing cases resulting in employee counseling ranged from a low of 0 percent at one facility to 77 percent at another. Similarly, the report showed that the percentage of cases resulting in removal ranged from 0 percent at one facility to 7 percent at another. For punishments other than counseling or removal (e.g., suspension), the range was between 10 percent and 86 percent.

More incredible to me—and quite distressing—is the extremely low percentage of employees caught browsing each year who are fired for their offense, according to the IRS' own figures. Would you believe that, for all of the browsing cases detected and closed each year, the highest number of employees fired in one year has been 12. Between FY'91-FY'95, only 43 employees were fired after browsing investigations. That is generally 1% of the total number of cases brought each year. Even if you include the category of resignation and retirement, the highest percentage of employees terminated through separation or resignation/retirement in any one year has been 6%.

#### PUNISHMENTS ASSESSED FOR BROWSING NOT CONSISTENTLY PUBLICIZED TO DETER VIOLATIONS

GAO found that IRS facilities did not consistently publicize the penalties assessed in browsing cases to deter such behavior. For example, one facility never reported disciplinary actions. By contrast, another facility used its monthly newsletter to report disciplinary actions for browsing, including citing a management official who had accessed a relative's account.

By inconsistently and incompletely reporting on penalties assessed for employee browsing, IRS is missing an opportunity to more effectively deter such action.

Mr. COVERDELL. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Georgia has 4 minutes and 23 seconds, plus the 5 minutes.

Mr. COVERDELL. Mr. President, first let me thank my good colleague from Ohio, Senator GLENN, for the extended effort and work, some of which he outlined in his statement, over a period of years to get at this problem. I appreciate his kind remarks in regard to my efforts.

Mr. President, the fact that we have come to a situation where it has been certified by the General Accounting Office and others that employees of the Internal Revenue Service have been reviewing personal records in an unauthorized way must be stopped. The purpose of this legislation is to do just that.

Senator GLENN also complimented the many loyal employees who work at the Internal Revenue Service, and that should be done. We would be remiss not to do so.

Mr. President, there is a reason that half the American people are offended

by this agency. The belligerence, the intimidation is well-documented, time and time again, and it is time that aura of having a standard or status that is higher than the taxpayer themselves come to an end.

As I said, on this Senator's part, this legislation is but a beginning of the kind of accountability that I think needs to be put in place with regard to the relationship between the Internal Revenue Service and the American people.

Somebody said today, in all the flurry of meetings, trying to resolve the differences here, that in no case should the average American citizen be frightened by an arm of their Government in the day-to-day function and relationship between people and their Government. The people should not be intimidated. They should not be fearful of this relationship.

I will leave the individual unnamed, but not long ago I was in a commercial establishment and I was visiting with probably a 70-year-old-plus woman in Atlanta. I was completing the transaction, and she said she wondered if she might be in touch with me. I said, "Of course." I was about to leave, so I was trying to give her my card. I said, "Here is somebody you can call to give me the details," and she leaned over between her computer and her cash register and motioned me to come over and began whispering to me about a problem that involved her and the IRS—a 70-year-old woman, a hard worker for years and years. She was scared to death. She was whispering to me because she was frightened. That has left a mark on me. It has happened to me more than once.

All too often the citizens that contact me with regard to problems with the IRS are of very modest means and they cannot defend themselves. They cannot protect themselves. They are frightened to death.

I hope what we jointly, in this bipartisan effort, are doing is but, as I said, a first step. We are ending a reprehensible practice that has occurred on the part of some at the IRS, but there is much work to be done as we begin a congressional audit of the Internal Revenue Service.

I am prepared to yield back my time and relinquish the floor for final comments from the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I thank my distinguished colleague from Georgia. I know we are approaching the time when we are supposed to have a vote.

The American people have to have the utmost confidentiality in the IRS. We have to have somebody collect the taxes that does everybody in this country good, that builds roads, the airways, does everything, so those who say we are mad at the IRS and we will do away with it, if they will just think what they are saying, what we need is to have zero tolerance for browsers and misuse of the system. That is what this

addresses today. Our legislation will get the snoops out of the IRS. Our legislation says if you are going to snoop, you are going to jail. It is that simple.

If you are going to snoop, you are going to pay also. You are also going to lose your job. I think browsing angers me just like being violated personally, almost. Everybody has to feel that way because you trust your Government. We say we are giving this information willingly, honestly, and then they are misusing it. They are browsing, and the information may not remain confidential. We don't know what is going to happen to it. The American people deserve better than that.

I deplore those who are guilty of engaging in IRS-bashing. And it always seems to build to a crescendo on April 15. I repeat that most IRS employees are just as honest as anybody in this room or anybody in America. They are dedicated workers. They want to clean out this snooping and they want to see this problem go away just like all the rest of us do, so that more Americans don't lose faith in our voluntary tax system.

Mr. President, I ask unanimous consent to add JOHN KERRY of Massachusetts and Senator KOHL of Wisconsin to the bill as cosponsors.

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

Mr. LEAHY. Mr. President, last Congress we passed legislation I had written to provide criminal penalties for unauthorized snooping in computers. I understand that the Republican leadership is bringing up an extension of that legislation today. I am happy to see them bring it up, but I also point out to the American people that we have already passed some very strong legislation on this.

In fact, in terms of privacy protection legislation, we could have passed additional, strong legislation last year to provide protection and criminal sanctions against misuse of personal medical information, except that the Republican leadership objected to it. That medical records confidentiality legislation was we put together in a bipartisan fashion with Senator BENNETT of Utah, myself, and others, based on work a number of us have been doing for years, but we were blocked when it was going to pass last year. I hope that the Republican leadership willingness to extend protections against government snooping into private financial records will signal a new attitude and willingness to address the crisis that is looming with respect to the confidentiality of health care information, as well.

I think we have to ask, why is it suddenly so important to take up this IRS bill today without consideration by the Senate Judiciary Committee or any Senate Committee. Aha, what is today? April 15. This is, as more and more things around here are, a staged event for partisan political purposes. This is tax day, to be sure. But, unfortunately, the Republican majority is looking for

something to do and something to distract from the fact that it is not doing what it is supposed to do today.

Along with all Americans we have to file our income taxes today, April 15. The Republican leadership of the House and Senate, however, is supposed to pass a budget by April 15. I suspect that there are tens of millions of Americans who are getting their taxes filed by today. When they go down to file their taxes, having stayed up late and worked it out, they should ask the leadership in the House and Senate if that Republican leadership has done what the law requires them to do—to have a budget by April 15. Guess what? Has one been passed? No. Has one even been debated? No. There is a law that says that, by April 15, we must pass it, but today will come and go and the Senate will miss its statutory deadline.

Now, I ask my friends throughout this country, Republican, Democrat, and Independent, if you don't follow the law that says you have to file and pay your taxes by April 15, what is going to happen? Aha, you might suddenly become a guest of the State, in a very secure place—bars on the windows, bars on the doors.

What happens to the leadership of the House and the Senate if they don't obey the law and have a budget passed by April 15? They will be on the floor in the House and the Senate with a distraction.

So while I support the extension of the law we introduced in 1995 and passed last year in order to cover the paper records of the IRS, I remain concerned that the Senate is not making the progress that we need to make on the Federal budget, on the chemical weapons treaty, and on confirming Federal judges. We have confirmed two Federal judges in 4 months. There are 100 vacancies. Talk about zero population growth. At this rate, at the end of the Congress there will 150 vacancies.

Then there's campaign finance reform. Remember campaign finance reform? Has anybody heard of it since the handshake in New Hampshire. Ha, ha and ho, ho. The Republican leadership could bring up campaign finance reform this afternoon if they wanted to. You are not going to see it.

I understand that the House plans to use the Constitution as a political prop again today. I guess I should at least be grateful that the Senate has avoided that temptation—for today.

All I suggest, Mr. President, is that the American people are required to follow the law and file their taxes today. The U.S. Senate and the House of Representatives are required to have a budget by today—and we are waiting.

Privacy is a precious right of every American. When our own Government workers abuse their access to personal information and compromise our privacy, it is doubly wrong.

While I was happy that we are taking this matter up today and to support it, I comment briefly on the manner in

which this matter is proceeding. Unfortunately, the Senate of the United States is not doing the work that needs to be done to serve the interests of the American people. We are not confirming the Federal judges that we all need, we are not making progress on balancing the budget, we are not considering the chemical weapons treaty, and we are not considering campaign finance reform legislation.

I commend Senator GLENN for his efforts in following up on his longstanding efforts to monitor abuse of access to Internal Revenue returns and information by Government employees.

When we file our tax returns today and the American people reveal to the Government intimate details about their personal finances, we rightfully expect that the Internal Revenue Service and its employees will treat that information with confidentiality, as the law has long contemplated. Reports that IRS employees are snooping through these files to satisfy their own voyeuristic urges are unacceptable. Unauthorized browsing by IRS employees has been a longstanding problem, according to a recent GAO report, and one that has concerned a number of us for years.

It is one of the principal circumstances that motivated me to include within legislation that I authored last Congress criminal sanctions against unauthorized snooping. Back in June 1995, I introduced, with Senators KYL and GRASSLEY, legislation making snooping through use of Government computers a crime. We obtained the views of the Attorney General, the FBI Director, the Secret Service and others. The bill was considered and reported twice by the Senate Judiciary Committee and passed by the Senate as part of a legislative package back in October 1996. The National Information Infrastructure Protection Act, title II of Public Law 104-294, made it a Federal crime for Government employees to misuse their computer access to obtain private information in Government files. Under the law, Government employees who abuse their computer privileges to snoop through personal information about Americans, including tax information, are subject to criminal penalties.

Part of our purpose in passing that law was to stop the snooping by IRS employees of private taxpayer tax returns. In 1994, at least 1,300 IRS employees were internally investigated for using Government computers to browse through the tax returns of friends, relatives, and neighbors. At a 1995 oversight hearing of the Department of Justice, I asked the Attorney General whether a criminal statute making it clear that such snooping is illegal would send a clear signal that we want our private information provided to the Government to remain private? Her response focused on the need for passage of the NII Protection Act. Attorney General Reno stated:

Enactment of a new statute covering such situations is advisable to send a clear signal

about the privacy of such sensitive information. To that end, included as part of [the NII Protection Act] is an amendment to 18 U.S.C. § 1030(a)(2) that would make it clearly illegal for a government employee to intentionally exceed authorized access to a government computer and obtain information.

I have long been concerned with maintaining the privacy of our personal information. Doing so in this age of computer networks is not always easy but is increasingly important.

By passing the NII Protection Act we have already closed a loophole that had existed in our laws. That loophole resulted in the dismissal of criminal charges earlier this year against an IRS employee who went snooping through the tax returns of individuals involved in a Presidential campaign, a prosecutor who was investigating a family member, a police officer and various social acquaintances. He made these unauthorized searches in 1992, before our new law went into effect. He was able to retrieve on his computer screen all the taxpayer information stored in the IRS main data base in Martinsburg, WV. Since the IRS employee did not disclose the information to anyone else and did not use it for nefarious purposes, the wire and computer fraud charges against him had to be dismissed. The point is that with President Clinton having signed the NII Protection Act into law last October 11, the law has been corrected to make such unauthorized snooping through individual tax records by means of computers a Federal crime.

Employees of the IRS and other Government agencies and departments are forewarned that under the law and augmented by the NII Protection Act last year, unauthorized browsing through computerized tax filings is criminal and will be prosecuted.

I am hopeful that the National Information Infrastructure Protection Act and its privacy protections will help deter illegal browsing by IRS employees and help restore the confidence of American taxpayers that the private financial information we are obliged to give the Government will remain private.

Our job is not done, however. We need to remain vigilant to protect the privacy of our intimate personal information in this era of computer networks. I am particularly concerned that we are doing a woefully inadequate job at protecting the privacy of our medical information. For several years I have worked on legislation to provide privacy protection to our health care information. I hope that this year we will finally enact this much-needed and overdue legislation. If we do not, we risk having the computerized transmissions of health care information required by the so-called administrative simplification provisions of the law passed last year, without the privacy protection that the American people expect and deserve.

Mr. BAUCUS. Mr. President, the public expects some essential services from the Government. Social security

payments, highway funding, national defense, a safety net in bad times, clean air and water, the National Park System, and so on. These are important to the country and the Government should provide them.

So most folks are willing to pay their fair share of taxes. Nobody likes it, but most of us do it regularly and honestly. But we do expect the Government to keep it fair, make it as simple as possible, and keep it private.

And we've recently found that in their zeal to catch the few people who don't pay their taxes, some tax collectors forget the most fundamental truth about our tax system. Citizens have rights that must be protected.

One of the first bills I introduced when I first came to the Senate was a Taxpayers' Bill of Rights, to protect taxpayers in disputes with the Internal Revenue Service. And I noted:

Oliver Wendell Holmes reasoned that "Taxes are what we pay for a civilized society." However, Justice Holmes did not consider additional burdens imposed on taxpayers—added costs and delays that result from inefficiencies and inconsistencies in the administration of tax law.

That was back in 1979. And it took a while, but in 1988 we finally passed a comprehensive Taxpayer Bill of Rights. That went a long ways toward defining taxpayer rights and gave some protection against arbitrary actions by the IRS.

This law made IRS give at least 30 days' notice before levying on a taxpayers' property, so that he or she would have time to file an appeal. It exempted more kinds of property from IRS levies, and raised the wage total exempt from collection. It allowed taxpayers to collect costs and attorney's fees from the Government if the IRS acted without substantial justification. And it let taxpayers sue the Government for damages if IRS employees acted recklessly in collecting taxes or intentionally disregarded any provision of the Internal Revenue Code.

This helped make taxation a little more fair and accountable. But it didn't solve all the problems. Last year, we did some more with the Taxpayer Bill of Rights II. This created an Office of Taxpayer Advocate within the IRS to help taxpayers resolve their problems with the IRS. It gave taxpayers more power to take the IRS to court in order to abate interest and eased the burden of proof for collecting attorney's fees and costs when you challenge an IRS decision and win. And it raised the damages a taxpayer can collect in the event an IRS agent recklessly or intentionally disregards the Internal Revenue Code.

But as important as these laws are, we need to do a lot more to give taxpayers confidence in the system and the people who work in it.

Today we're going to go a little further. Every once in a while we find that some IRS employees are snooping around in tax returns that ought to be private. That's happened twice this



year—first, with the revelation that President Nixon tried to pressure his IRS Administrator to look through political opponents' returns, and now when we hear that some IRS employees have browsed in returns for fun. Our bill today will impose criminal penalties on anyone who does it. And we'll make sure the taxpayer whose records have been violated in this way can be notified so that they too can take action. Without this high level of protection of taxpayer privacy, we undermine our ability to make a system of voluntary taxation work.

Once this bill is signed into law, as I am confident that it will be, we must not rest on our laurels. There is still much work to be done to fully protect the rights of taxpayers. The administration proposes simplification and Bill of Rights initiatives that we must review very soon. The Commission on the Restructuring of the Internal Revenue Service will also issue a bipartisan report that will help us address a broad range of problems with the IRS.

That should be a top priority. We need a tax system that brings in the revenue to pay for essential services. One that balances the budget. But also one that is fair and reasonable, and understands that most of us are good people who obey the law and shouldn't be picked on all the time. It's that simple.

Mr. CAMPBELL. Mr. President, I am pleased to be a cosponsor of S. 522, legislation which would allow civil and criminal penalties to be imposed for the unauthorized access of tax returns and return information by employees of the Internal Revenue Service or other Federal employees. It is altogether appropriate that this issue should come before both the House and Senate on April 15, and I applaud the efforts of my colleagues, Senators COVERDELL and GLENN, to work together on this bipartisan piece of legislation.

Abuse by employees of the IRS has been of concern to Members of Congress for many years. Over the years numerous Coloradans have written me to express their concerns with this type of abuse as well. And with the recent release of the report by the General Accounting Office detailing its findings on security problems at the IRS, in addition to reports on browsing by IRS employees through private taxpayer files, this issue has once again come to the forefront.

This morning, as chairman of the Appropriations Subcommittee on Treasury and General Government, I held a hearing to receive testimony on the issue of browsing. For the record, I would like to state the witnesses included: Senator JOHN GLENN; Larry Summers, Deputy Secretary of the U.S. Department of the Treasury; Dr. Rona B. Stillman, Chief Scientist for Computers and Telecommunications with the GAO; Margaret Milner Richardson, Commissioner of the IRS; and Valerie Lau, inspector general of the U.S. Department of the Treasury.

It became clear in all of the witnesses' testimonies this morning that currently it is not necessarily illegal for IRS employees to browse through taxpayer files. The law, as it exists, makes it difficult for the IRS to take effective action against those employees who are caught browsing taxpayer files.

Those IRS employees who do access the computerized or paper records of celebrities, friends, or enemies most often do so just for the fun of it. However, let me tell you—taxpayers do not find this activity very funny. It is an invasion of privacy, and unauthorized browsing should be punishable with civil and criminal penalties. During this morning's hearing, Treasury officials kept referring to taxpayers as "customers". Well, I would like to clarify that in my State Coloradans do not consider themselves customers. If anything, they consider themselves victims. Unfortunately, taxpayers have become victims of browsing, and they currently have no assurances that browsers will be held accountable for their actions.

With that, Mr. President, I ask unanimous consent to submit a couple of items for the record to be printed immediately following my statement. First, I have an article from the Washington Post. In addition, I would also like to submit a relevant section of the Electronic Audit Research Log's Executive Steering Committee Report on taxpayer privacy.

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

(See exhibit 1.)

Mr. CAMPBELL. Finally, I would simply like to reiterate my support for S. 522. I would like to be able to tell my constituents that Congress recognized the need to safeguard their personal tax records and took action accordingly by passing this legislation and sending it on to the President for signature.

#### EXHIBIT 1

[From the Washington Post, Apr. 9, 1997]

IRS AUDIT REVEALS MORE TAX BROWSING

(By Stephen Barr)

The Internal Revenue Service fired 23 employees, disciplined 349 and counseled 472 other workers after agency audits found that government computers were still being used to browse through the tax records of friends, relatives and celebrities, an IRS document released yesterday showed.

The document, covering fiscal 1994 and 1995, listed 1,515 cases where employees were accused of misusing computers. After accounting for the firings, the disciplinary action and the counseling, 33 percent of the cases were closed without any action and the remaining 12 percent took retirement or were cleared.

Yesterday's disclosure, made by Sen. John Glenn (D-Ohio), marked the second time that IRS employees have been faulted for peeking at tax records. A probe in 1993 and 1994 turned up more than 1,300 employees suspected of using government computers to browse through tax files. At the time, the IRS promised "zero tolerance" for such snooping.

But the new data indicate the problem has continued and the agency does not know how

big a problem it has on its hands. "I don't know what kind of new math they are using, but that doesn't sound like zero tolerance to me," Glenn said at a news conference, where he released excerpts of IRS documents and a General Accounting Office (GAO) report.

Government employees face criminal penalties for misuse of computer databases, but loopholes have thwarted prosecution of some IRS employees who snooped in files but did not disclose the information to others. Glenn and other lawmakers, including House Ways and Means Committee Chairman Bill Archer (R-Tex.), have proposed legislation this year to tighten the laws.

David A. Mader, the IRS chief for management, said "browsing is not widespread" at the 102,000-employee agency, but stressed that curious employees must understand that even one unauthorized peek in tax files undercuts the IRS goal of fair and confidential tax administration. The IRS supports efforts to tighten laws, he said.

"It is challenging to change the behavior of an organization this size," Mader said. Not every employee deserves to be fired when accused of browsing, he said, but "we ought to start with the assumption we're going to fire them and then look at the circumstances."

The disclosure of additional IRS employee snooping comes at a time when privacy advocates are increasingly worried about the government's growing dependence on computers and information technology. The GAO, for example, has issued more than 30 reports in the last four years describing how government systems are vulnerable to "hackers" and even federal employees who want to change data, commit fraud or disrupt an agency's operations.

The GAO, in reviewing IRS computer security at Glenn's request, found that five IRS centers could not account for about 6,400 computer tapes and cartridges that might contain taxpayer data. Since the GAO audit, however, 5,700 of the tapes and cartridges have been found, Mader said. He said the problem involved inventory controls and that no tapes were lost.

In two centers, computer printouts containing taxpayer data were left unprotected and unattended in open areas, the GAO said.

GAO found some computer problems were so sensitive that the congressional watchdog agency feared public disclosure could jeopardize IRS security. As a result, Glenn received a confidential report on those problems and the GAO-prepared report released yesterday leaves out some matters and does not identify the tax processing centers with lax security practices. But the breaches of taxpayer privacy led congressional investigators to conclude that IRS computer systems operate with "serious weaknesses" that place tax returns and tax files "at risk to both internal and external threats," GAO said.

The IRS handles more than 200 million taxpayer returns each year at 10 primary centers. After the returns are processed, the data are electronically transmitted to a central computer site, where master files on each taxpayer are maintained and updated.

To avoid compromising taxpayer information, the IRS developed a software program to monitor the electronic trail left by employees as they call up tax returns and files on their computer screens. The program, the Electronic Audit Research Log (EARL), also signals managers when an employee's work pattern or use of command codes appears at odds with the tasks assigned. The audit trail covered about 58,000 employees who use the IRS's main computer system. But the GAO found EARL does not monitor IRS employees using secondary computer systems and does not effectively distinguish between browsing and legitimate work.



The IRS internal audit, in a section on disciplining employees, said, "Some employees, when confronted, indicate they browsed because they do not believe it is wrong and that their will be little or no consequence to them if they are caught."

The IRS document added that agency managers "apply vastly different levels of discipline for similar offenses," sending "an inconsistent message to the workforce." Glenn called for swift passage of his bill to end loopholes in the law that allow some federal workers to escape prosecution for browsing through records.

He cited a federal appeals court decision in February that overturned a guilty verdict against a Ku Klux Klansman employed by the IRS in Boston who browsed through tax records of suspected white supremacists, a family adversary and a political opponent.

Last year, a former IRS employee was acquitted of criminal charges after peeking at the records of Elizabeth Taylor, Lucille Ball, Tom Cruise, Elvis Presley and other celebrities.

In both cases, there was little or no testimony to prove that the IRS workers passed information to others or used the information in a criminal way.

Congress expanded criminal penalties last year to deter the use of computer data without proper authorization, but the provision does not apply to paper tax returns or magnetic tapes.

#### EARL EXECUTIVE STEERING COMMITTEE REPORT

Attached are excerpts from a lengthy internal IRS audit on the state of taxpayer privacy at the agency. Following are highlights, including the executive summary of the report. Left out are discussions of computer codes and other primarily technical information.

#### DISPOSITION OF CASES—MISCONDUCT ALLEGATIONS INVOLVING MISUSE OF IDRS

[Population approximately 56,500]

	FY 1991		FY 1992		FY 1993		FY 1994		FY 1995	
	Actions	Percent	Actions	Percent	Actions	Percent	Actions	Percent	Actions	Percent
Clearance .....	5	1	75	10	10	2	50	8	58	7
Closed Without Action .....	174	33	245	31	146	28	204	32	291	33
Counseling .....	221	42	202	26	205	39	190	29	282	32
Disciplinary Action .....	100	19	242	31	140	27	163	25	186	21
Separation .....	7	1	7	1	6	1	12	2	11	1
Resignation/Retirement .....	14	3	16	2	15	3	27	4	41	5
Total .....	521		787		522		646		869	
Disciplinary Action/as a percent of IDRS users .....	0.21%		0.45%		0.28%		0.35%		0.41%	

Mr. HAGEL. Mr. President, we are engaged in an important debate—a debate about privacy, liberty, and the role of Government in our lives. The American people want less Government, less regulation and less taxes. They want less hassle and more respect from their Government.

I am proud to be an original cosponsor of the Taxpayer Privacy Protection Act, which was introduced by my distinguished colleague from Georgia, Senator COVERDELL. The Senate will vote on this important legislation later today, and I urge all of my colleagues to support it.

As the April 15 income tax deadline approaches each year, Americans rush to file their returns while wading through a paper storm of tax forms that even some tax lawyers have trouble understanding. During tax season, animus for the IRS reaches its peak as taxpayers are reminded what an intrusive, overbearing bureaucracy the Internal Revenue Service has become.

Nobody likes taxes, and nobody likes tax collectors. They are necessary evils. But if we must have them, then we need to do all we can to ease the burden they impose on our citizens and to make the system user-friendly and respectful of our people.

The IRS system today is neither user-friendly nor respectful. Today we have an IRS that is out of control from top management all the way down to its field offices, and the American taxpayers are paying the price for that disarray—a price in inefficiency, inconvenience, intrusiveness, and even harassment.

The American people deserve better. It is bad enough that taxpayers have to pay for an agency that wastes their money and time. But it is simply unacceptable that the IRS has tolerated some of its employees snooping through confidential taxpayer information.

The headlines of our newspapers have been littered with accounts of IRS employees reading taxpayers' confidential files without authority and without cause. During fiscal years 1994 and 1995, there were 1,515 cases of IRS employees browsing through confidential taxpayer computer records, according to a recent General Accounting Office report. These employees violated the privacy of hundreds of taxpayers when they snooped through the tax returns of friends, family member or celebrities without authorization and without justification.

Yet, of those 1,515 cases of snooping, only 844 resulted in employees being fired, disciplined, or counseled.

Let me emphasize that, Mr. President—only 844 of the 1,515 snoops had action taken against them. That means almost 700 known cases of snooping went unpunished.

This is not acceptable. Unauthorized snooping is wrong and intolerable. That is why the laws need to be changed.

The Taxpayer Privacy Protection Act imposes civil and criminal penalties against IRS employees who snoop through tax returns and related information without authority. It puts real power in the hands of taxpayers who are the victims of IRS snooping—it lets them bring suit against the IRS employee who is responsible. Under this legislation, IRS employees can be fired, fined, and jailed if they are found guilty of snooping.

This bill is an important step toward protecting Americans from an out of control IRS. It is an important step toward holding IRS employees accountable for their actions. It is a small but important step toward making our tax system respectful, trustworthy, and sound.

It should become law—now.

Mr. FAIRCLOTH. Mr. President, as a cosponsor of S. 522, The Taxpayer Browsing Protection Act, I urge my

colleagues to support this important measure to stop IRS employees from electronically browsing through taxpayer files.

Mr. President, today is not a day when most Americans feel much sympathy for the IRS. For many Americans finishing up their tax returns, the last several days have been painful ones, with families struggling to understand and fill out complex forms, writing checks to the IRS and wondering where all the money they send to Washington actually goes.

And it doesn't help to see recent news accounts of the \$4 billion of the taxpayers money has been wasted by the IRS in an effort to modernize its computer system—without success. That's nearly enough money to pay for our troops in Bosnia, and for continued disaster relief to areas of the country damaged by floods and storms, including areas of North Carolina still suffering from the effects of Hurricane Fran.

And so, Mr. President, today is not a good day for the American people to be told of yet another outrage at the IRS. As many as 211 million Americans who file tax returns this year will pay over \$1.6 trillion in taxes. That is outrage enough. Quite frankly, the American people are overtaxed, and I hope that we can provide them some tax relief this year.

As complicated and burdensome as our Tax Code has become, the vast majority of taxpayers fill out their tax forms honestly and completely. In fact, our entire system of tax collection depends on the voluntary compliance of the American people. Much of the information contained in these tax returns is extremely private and sensitive. Taxpayers have a right to expect that this information will be treated with the greatest of care.

For that reason, I was deeply troubled by the results of the recent investigation of the Internal Revenue Service by the General Accounting Office

which has prompted this hearing. The GAO has uncovered at least 1,515 cases where IRS employees have used Government computers to browse through the private tax files of Americans—without authorization.

According to the GAO, this is not the first time that IRS employees have been caught peeking in on private tax files. In 1993 and 1994, the GAO discovered that more than 1,300 IRS employees had used Government computers to electronically browse through tax records. At that time, the Commissioner of the IRS announced a new zero tolerance policy for such behavior.

Unfortunately, zero tolerance has been more like zero improvement. According to the GAO, little has changed since this problem was first identified in 1993. IRS employees are still snooping into tax files without proper authorization. The system put in place by the IRS to fix the problem and detect unauthorized browsing—the Electronic Audit Research Log, or EARL—can't even tell the difference between browsing and legitimate work.

To make matters worse, an IRS internal audit found that many employees who were caught browsing did not believe that snooping in taxpayers' files is wrong, and perhaps even more troubling, they thought there would be little or no consequence to them if they were caught.

I am concerned that we can't count on the senior management of the IRS to supervise their employees. In fact, I am concerned about the supervisors themselves, and I wonder who is watching them. I find news accounts that the IRS may be conducting politically motivated audits of selected nonprofit organizations deeply troubling.

Mr. President, the IRS has demonstrated that it cannot adequately supervise its own employees to protect the privacy of the American people. Stronger measures are clearly needed. That is why I am a cosponsor of S. 522, The Taxpayer Browsing Protection Act offered by my good friend, Senator COVERDELL. I join my colleagues in support of the measure.

Mr. President, due to a prior family commitment, I was unavoidably detained and missed the vote on S. 522. Had I been present I would have voted "aye."

Mr. COVERDELL. Mr. President, I ask for yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. COVERDELL. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 45.

The amendment (No. 45) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time.

The PRESIDING OFFICER. The question now occurs on passage of the bill.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Oregon [Mr. GORDON SMITH] are necessarily absent.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—97

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

NOT VOTING—3

Faircloth Rockefeller Smith (OR)

The bill (S. 522), as amended, was passed, as follows

S. 522

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayer Browsing Protection Act".

#### SEC. 2. PENALTY FOR UNAUTHORIZED INSPECTION OF TAX RETURNS OR TAX RETURN INFORMATION.

(a) IN GENERAL.—Part I of subchapter A of chapter 75 of the Internal Revenue Code of 1986 (relating to crimes, other offenses, and forfeitures) is amended by adding after section 7213 the following new section:

##### "SEC. 7213A. UNAUTHORIZED INSPECTION OF RETURNS OR RETURN INFORMATION.

"(a) PROHIBITIONS.—

"(1) FEDERAL EMPLOYEES AND OTHER PERSONS.—It shall be unlawful for—

"(A) any officer or employee of the United States, or

"(B) any person described in section 6103(n) or an officer or employee of any such person, willfully to inspect, except as authorized in this title, any return or return information.

"(2) STATE AND OTHER EMPLOYEES.—It shall be unlawful for any person (not described in

paragraph (1)) willfully to inspect, except as authorized in this title, any return or return information acquired by such person or another person under a provision of section 6103 referred to in section 7213(a)(2).

"(b) PENALTY.—

"(1) IN GENERAL.—Any violation of subsection (a) shall be punishable upon conviction by a fine in any amount not exceeding \$1,000, or imprisonment of not more than 1 year, or both, together with the costs of prosecution.

"(2) FEDERAL OFFICERS OR EMPLOYEES.—An officer or employee of the United States who is convicted of any violation of subsection (a) shall, in addition to any other punishment, be dismissed from office or discharged from employment.

"(c) DEFINITIONS.—For purposes of this section, the terms 'inspect', 'return', and 'return information' have the respective meanings given such terms by section 6103(b)."

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (2) of section 7213(a) of such Code is amended by inserting "(5)," after "(m)(2), (4)."

(2) The table of sections for part I of subchapter A of chapter 75 of such Code is amended by inserting after the item relating to section 7213 the following new item:

"Sec. 7213A. Unauthorized inspection of returns or return information."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to violations occurring on and after the date of the enactment of this Act.

#### SEC. 3. CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION OF RETURNS AND RETURN INFORMATION; NOTIFICATION OF UNLAWFUL INSPECTION OR DISCLOSURE.

(a) CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION.—Subsection (a) of section 7431 of the Internal Revenue Code of 1986 is amended—

(1) by striking "DISCLOSURE" in the headings for paragraphs (1) and (2) and inserting "INSPECTION OR DISCLOSURE", and

(2) by striking "discloses" in paragraphs (1) and (2) and inserting "inspects or discloses".

(b) NOTIFICATION OF UNLAWFUL INSPECTION OR DISCLOSURE.—Section 7431 of such Code is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) NOTIFICATION OF UNLAWFUL INSPECTION AND DISCLOSURE.—If any person is criminally charged by indictment or information with inspection or disclosure of a taxpayer's return or return information in violation of—

"(1) paragraph (1) or (2) of section 7213(a),

"(2) section 7213A(a), or

"(3) subparagraph (B) of section 1030(a)(2) of title 18, United States Code, the Secretary shall notify such taxpayer as soon as practicable of such inspection or disclosure."

(c) NO DAMAGES FOR INSPECTION REQUESTED BY TAXPAYER.—Subsection (b) of section 7431 of such Code is amended to read as follows:

"(b) EXCEPTIONS.—No liability shall arise under this section with respect to any inspection or disclosure—

"(1) which results from a good faith, but erroneous, interpretation of section 6103, or

"(2) which is requested by the taxpayer."

(d) CONFORMING AMENDMENTS.—

(1) Subsections (c)(1)(A), (c)(1)(B)(i), and (d) of section 7431 of such Code are each amended by inserting "inspection or" before "disclosure".

(2) Clause (ii) of section 7431(c)(1)(B) of such Code is amended by striking "willful disclosure or a disclosure" and inserting

"willful inspection or disclosure or an inspection or disclosure".

(3) Subsection (f) of section 7431 of such Code, as redesignated by subsection (b), is amended to read as follows:

"(f) DEFINITIONS.—For purposes of this section, the terms 'inspect', 'inspection', 'return', and 'return information' have the respective meanings given such terms by section 6103(b)."

(4) The section heading for section 7431 of such Code is amended by inserting "**INSPECTION OR**" before "**DISCLOSURE**".

(5) The table of sections for subchapter B of chapter 76 of such Code is amended by inserting "inspection or" before "disclosure" in the item relating to section 7431.

(6) Paragraph (2) of section 7431(g) of such Code, as redesignated by subsection (b), is amended by striking "any use" and inserting "any inspection or use".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to inspections and disclosures occurring on and after the date of the enactment of this Act.

#### SEC. 4. NATIONAL FLOOD INSURANCE ACT OF 1968.

(a) IN GENERAL.—Section 1306(c)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(1)) is amended by striking "30" and inserting "15".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be construed to have taken effect on January 1, 1997, and shall expire June 30, 1997.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I would like to announce officially—as most Senators know, but in case they missed it—that that was the last recorded vote for the day. We are discussing some other issues that we hope to get agreement on today and tomorrow. We will keep the Members informed on that.

#### UNANIMOUS-CONSENT REQUEST— SENATE RESOLUTION 73

Mr. LOTT. Mr. President, I would like to now propound a unanimous-consent request that the Senate proceed immediately to the consideration of a Senate resolution submitted by myself regarding the sense of the Senate relating to tax relief for the American people. I further ask unanimous-consent that there be 10 minutes for debate on the resolution equally divided in the usual form, and following that debate the Senate proceed to a vote on the adoption of the resolution to be followed by a vote on the preamble, and the motion to reconsider be laid upon the table.

I might take just a moment so that there can be a response to that unanimous-consent request. This is a sense of the Senate which just declares a need for tax relief for the American people, and condemns the abuses of power and authority committed by the Internal Revenue Service.

We have discussed this with a number of Senators. We have provided it to the other side of the aisle.

So I propound that unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to—before I propound the unanimous-consent request, let me explain my objection to the resolution offered by the Senate majority leader and then indicate that I would intend to offer a resolution of my own.

Some of the provisions that are in the resolution offered by the Senator from Mississippi, the majority leader, are not troublesome, but there are some provisions and some language that are very troublesome to some of us in this resolution.

It is clearly a partisan resolution written in a manner that suggests that one side is no good, the other side is all bad, and for that reason I object to it.

In the spirit of discussing the taxes, tax burden on the American citizens and the ability to address meaningful tax reform for American families and to do so in a budget process that has a requirement that the Congress bring to the floor of the Senate and pass a budget today on April 15, I would offer a unanimous-consent request and will do so, and the resolution that I will offer is a resolution that talks some about the tax burden that we face in this country and our desire to offer meaningful tax relief to American families but to do so in the context of a budget that reaches balance, and that we do it in a process as described by law in this country, that a budget be brought to the Congress, be passed by April 15.

It is unusual that we have not even started a budget process at this point. April 15 is two deadlines. One, people will line up at the post office this evening in a traffic jam trying to file their income tax return and get an April 15 postmark because people at the post office want to meet their obligation.

There is a second obligation today, and that is the obligation of the Congress to pass a budget resolution, by law, on April 15. Obviously, we are far from that position of being able to pass a budget resolution. No budget resolution has come from the Budget Committee. There is not an indication that such a budget resolution will be forthcoming.

In the resolution that I will ask unanimous consent to offer we ask that the majority party take up without delay a budget resolution that balances the budget by the year 2002 and targets its tax relief to working and middle-class families to the same degree as the proposal offered by the President and, at the same time, protects important domestic priorities such as Medicare, Medicaid, education, and the environment.

I might say there is a difference with respect to our interest in tax relief. There are those who propose tax relief but do it in a way that says what they would like to do is especially exempt income from investment, which means there is more of a burden on income from work. It is an approach that says let us tax work but let us exempt investment. Guess who has all the investment income in the country. The upper-income folks.

And so you have a proposal that essentially says let us exempt the folks at the upper-income scale, and then we will shift the burden, and what we will end up doing is taxing work.

Some of us think that is the wrong way to offer tax relief, that overburdened working families deserve some tax relief in this country, and we believe a responsible budget that allows for some tax relief to working families but still protects important priorities, and, importantly, balances the budget in 2002, is a responsibility of this Congress. And it so happens that today is the day by which that is supposed to be done.

#### UNANIMOUS-CONSENT REQUEST— SENATE RESOLUTION 74

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution I will send to the desk submitted by myself and on behalf of Senator DASCHLE regarding the sense of the Senate relating to the budget deficit reduction and tax relief for working families.

I further ask there be 10 minutes for debate on the resolution equally divided in the usual form, and, following that debate, without intervening action, the Senate proceed to vote on the adoption of the resolution, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senate majority leader.

Mr. LOTT. Also, I must say it is regrettable that the objection was heard on the earlier unanimous-consent request for a sense-of-the-Senate resolution in this area. I had hoped the Senate would be able to adopt the resolution in a timely manner, considering this is April 15, tax day, the day that most Americans have the worst feeling about in the entire year. This is a