

we were jumping two steps. We were willing to do away with those, but we cannot waive all of our rights, and we know how important it is to move legislation. We felt that by going directly to the Defense appropriations bill, getting that completed, doing other things that will be able to be completed, without the two Senators from Nevada exercising their rights—under the rules, we felt we were doing the country and the two leaders here, in effect, a favor, but to have us avoid three or four different procedural moves that we have, seems to be a little bit too much.

We appreciate you trying to work with us. I object.

UNANIMOUS-CONSENT REQUEST—
S. 1894

Mr. LOTT. Mr. President, I ask unanimous consent during the pendency of S. 1894, the Department of Defense appropriations bill, that it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form, 1 hour on all first-degree amendments which must be relevant, 30 minutes on all relevant second-degree amendments.

I further ask unanimous consent that any rollcall votes ordered with respect to the DOD appropriations bill on Friday, July 12, on Monday, July 15, occur beginning at 9:30 a.m., on Tuesday, July 16, and following the disposition of all amendments, S. 1894 be read for a third time, the Senate proceed immediately to H.R. 3610, the House companion bill, all after the enacting clause be stricken, the text of S. 1894, as amended, be inserted, and H.R. 3610 be read for a third time, and final passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII, and that no call for the regular order serve to displace the Department of Defense appropriations bill.

Mr. President, as I state that, I want to emphasize no matter what happens on the nuclear waste issue, we still have this Department of Defense appropriations bill awaiting action. The chairman is here ready to go. I am trying to get some order and some reasonable manner in which to handle this very important bill.

I am glad to yield to the Senator from Alaska.

The PRESIDING OFFICER. Is an objection heard?

Mr. BRYAN. Objection.

The PRESIDING OFFICER. The objection is heard.

Mr. STEVENS. There is an objection? I thought that was cleared on the other side.

The PRESIDING OFFICER. The objection is heard.

Mr. STEVENS. Will the majority leader yield?

Mr. LOTT. I am glad to yield.

Mr. STEVENS. There is a cloture motion pending, which I understand will ripen into a vote on Tuesday. We are not in session on Monday, but it would be Monday if we are in session.

I regret that very much. This will accomplish the same thing. Under cloture, we will have an hour on each amendment, actually have an hour on two amendments if you wish to do so, but Mr. President, we have lost 2 days in the defense bill already. We will have a very tough time to try and conference this bill. We are trying our best to work with the administration to see if we can get the bill signed once again this year. The Senator from Hawaii and I have accommodated the White House on several matters already. We are trying to work this out, but we need time.

I think the Senator is putting us in the position where we are not going to be able to go out in August if we keep this up. I do not understand the objection to this because it is the same thing—if we had voted cloture on Tuesday, by definition, we cannot get it until Tuesday, anyway. I do not know why we cannot proceed with this bill.

The alternative, as far as I am concerned, it is the pending measure and I am going to ask the distinguished leader that we just stay in on this bill. I can guarantee the Senator we will have some votes tonight and tomorrow if we stay in. The bill is the pending measure, and I would like to stay in and get going on this bill. I do not know what the leader wants to do.

Mr. REID. Will the leader yield, if the Senator is finished.

Mr. LOTT. I am glad to yield.

Mr. REID. I respectfully say to my friend from Alaska, through the majority leader, that we understand the rules also—maybe not as well as the distinguished Senator from Alaska. We feel we know what our rights are. If it is the wish of the Senate to stay in tonight, that is fine. But I think there is going to be a lot of business conducted.

We have been willing to play by the rules. To hear that we are holding up progress in the Senate is also to understand that we feel that a lot of the time being wasted, if not all the time, is based on the fact that we have a bill that was brought out that is very selective in nature. We have all kinds of other things we need to do. The President said he will veto this. We feel the waste of time is not on the shoulders of the two Senators from Nevada. I am sure the Senator from Alaska did not mean it that way, but in fact if there is some effort to threaten, or the fact that we will be in late tonight, I have no place else to go. I will be here late tonight.

Mr. LOTT. I ask unanimous consent we have a cloture vote on the defense appropriations bill at 7 o'clock tonight.

Mr. REID. I object.

Mr. LOTT. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I feel constrained to say, over the last recess I had the privilege of being able to fish at home on the river, and the men and women from throughout the country kept asking me one thing: What is gridlock? Why do we have gridlock? I

think the American public is getting very disturbed about this. I have to say, it is obvious I am getting disturbed.

We have worked a long time to frame a bill that I think is possible to pass both the Senate and come out of conference, and go to the President. I think it is one of the most contentious issues facing America today, and that is the continued funding of our defense system. I do not understand why we cannot get going on it. It has nothing to do with nuclear waste. It has nothing to do with delay on nuclear waste. Nuclear waste will be the subject of a cloture motion vote on Tuesday. I just do not understand why we have to be gridlocked on defense. Of all the matters that we ought to be dealing with, it is defense. Why should we have a gridlock on defense? The people in this country, I think, have a right to ask this Congress why should you gridlock on defense? This is a gridlock, as far as I am concerned. We have tried for 2 days to get this bill going and the delay has nothing to do with defense, I am told, nothing at all. If it has nothing to do with defense, why should anyone object to our proceeding with this bill?

I hope the leader will let me continue. I can show you how we will have some votes tonight and tomorrow. I can guarantee you we will have votes if we keep going.

Mrs. BOXER. Will the majority leader yield?

Mr. LOTT. I yield for a question.

Mrs. BOXER. As I listened to the Senator from Alaska, there is a way to break through all this.

As I hear the Senators in Nevada, they will not object to moving to the defense bill at all. As a matter of fact, as long as I have known them, they have worked hard on those bills, as hard as anyone else here. But they are saying, if this particular bill dealing with nuclear waste would be pulled, they would not object. If I might ask my friends, are they not saying that the reason they are objecting is because they are bringing this nuclear waste bill forward?

Mr. REID. Will the majority leader yield so that I may answer the question?

Mr. LOTT. I yield for the Senator to answer the question.

Mr. REID. I say to the Senator from California, I am a supporter of this bill. I am on the Appropriations Committee. One of the most troubling things I have done since I have been in the Senate is to have my friend, the senior Senator from Hawaii, come to me and say, "Can we move this bill?" and I say, "No." There is no one in the Senate I have more respect for than the senior Senator from Hawaii.

We feel that the shoe is on the other foot. We are not the ones holding things up. It is being held up because they are moving on this bill, which the President said he is going to veto. Maybe we cannot continue this forever.

But it is going to take weeks of the Senate's time on nuclear waste.

We know what our rights are, and we felt that we offered a reasonable proposal to move this along, get the appropriations bills done before the September reconvening of the Senate. But this is an issue that is important. It is important not only to the people in the State of Nevada but for this country. And for us to say we are going to walk away from this would be something that we cannot do.

Mr. LOTT. Mr. President, if I could respond to the comments. Again, I have said several times today that I understand the feelings of the Senators from Nevada. I am sympathetic to them. But this legislation has been crafted very carefully, in a bipartisan way, by the committee of jurisdiction, the Energy and Natural Resources Committee. It has been in the making literally for years. I am under the impression that 65 Senators will vote to end the debate on this, will vote for cloture.

How can the majority leader refuse to bring up a bill and try to pass a bill of this consequence, which involves radioactive nuclear waste, when 65 Senators want an opportunity to vote on it? Now, I understand how they feel, but two Senators are thwarting the wishes of 65 Senators and their constituents all across America. I have no option but to bring up legislation of this importance, which involves that many States with that many Senators.

Mrs. BOXER. May I ask the majority leader this. I understand his point, but 74 or so Senators voted for the minimum wage, and we do not seem to get action on that. So it is a matter of priorities, I say.

Mr. LOTT. You got action on it because I worked with your leader and we made it happen, and it is going to be acted on and wind up on the President's desk.

Mr. REID. Will the Senator yield for one more question?

Mr. LOTT. I will be glad to, sure.

Mr. REID. I say, respectfully, to the majority leader, with whom I served in the House in a leadership position there and now in a leadership position here, that we know you have the right to bring this up. But, also, I, the Senator from Nevada, did not work out these rules. These rules were worked out many years ago. It started with the Constitution and the Senate rules that are in existence. I did not draw them up. I am just playing by the rules. The majority leader knew—or should have known, as we say in the law—that this would happen. You are—and I do not mean “you” in the pejorative sense—holding up the progress; we are not. We could move on and we could have this bill passed, the one now before the body, our defense appropriations bill. We could do foreign operations. This should have all been done. But there is going to be a lot more delay, I say to my friends, the majority and minority leaders. We have certain rights, and we have an obligation to protect those.

TAXPAYER BILL OF RIGHTS 2

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 374, H.R. 2337, the taxpayer bill of rights legislation.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2337) to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROTH. Mr. President, today the Senate will pass the Taxpayer Bill of Rights 2 which provides taxpayers with added protections in their dealings with the Internal Revenue Service. I urge the President to sign this bipartisan legislation.

One of my longstanding concerns relates to serious complaints by taxpayers that the tax laws can and are being enforced unfairly by the Internal Revenue Service. With the broad authority conferred on this agency, the Internal Revenue Service has the potential to abuse its power at the expense of law-abiding and well-meaning taxpayers. The Taxpayer Bill of Rights 2 is the taxpayers' arsenal against an often heavy-handed IRS.

When the Federal Government thinks it has more rights to your paycheck than you do, something is terribly wrong with the system. That is why this legislation, which returns power to the taxpayers, is so important. While it is not a complete solution by any means, it is a good first step.

The Finance Committee has worked on this legislation for several years on a bipartisan basis. I would like to give special recognition to Senators GRASSLEY and PRYOR for their tenacity in pursuing enactment of these taxpayer protections.

Let me also mention that the procedure for this is somewhat unique. In the usual course, a tax bill from the House of Representatives would be referred to the Senate Finance Committee for review before consideration by the full Senate. However, Taxpayer Bill of Rights 2 provisions were previously approved by the Finance Committee and included in the Balanced Budget Act of 1995, which was vetoed by President Clinton. The Finance Committee worked closely with the Ways and Means Committee on this new bill, which was unanimously passed by the House of Representatives. In order to expedite passage of this important legislation, I decided that this bill should bypass the Finance Committee and go directly to the full Senate.

Mr. President, the bill provides the following provisions which increase taxpayer protections:

1. ESTABLISH OFFICE OF THE TAXPAYER ADVOCATE

The bill establishes a taxpayer advocate, which would replace the taxpayer

ombudsman, at the Internal Revenue Service [IRS] to assist taxpayers. The taxpayer advocate must annually provide an independent report to Congress without review or censure by Treasury or the IRS.

2. EXPAND TAXPAYER ASSISTANCE AUTHORITY

The bill provides the taxpayer advocate with additional tools to help taxpayers deal with the IRS. In order to prevent the IRS from dragging its feet in complying with the taxpayer advocate's orders, the bill requires such matters to be resolved on a timely basis.

3. NOTICE OF REASON FOR TERMINATION OF INSTALLMENT AGREEMENTS

The bill requires the IRS to notify taxpayers 30 days before altering, modifying, or terminating any installment agreement for paying taxes. An exception is provided if collection is in jeopardy.

4. ADMINISTRATIVE REVIEW OF TERMINATION OF INSTALLMENT AGREEMENT

The bill requires the IRS to establish an additional administrative review before terminating installment agreements.

5. EXPAND AUTHORITY TO ABATE INTEREST

The bill expands the IRS's ability to abate interest due to IRS error or delay.

6. JUDICIAL REVIEW OF IRS FAILURE TO ABATE INTEREST

The bill grant the Tax Court jurisdiction to review whether the IRS's failure to abate interest was an abuse of discretion.

7. EXTEND INTEREST-FREE PERIOD TO PAY TAX

The bill extends the interest-free period to pay tax from 10 to 21 calendar days from notice and demand when the total tax liability is less than \$100,000.

8. ABATE PENALTY FOR FAILURE TO DEPOSIT PAYROLL TAX

The bill allows the IRS to abate penalties for certain inadvertent failures to deposit payroll tax.

9. STUDIES OF JOINT RETURN ISSUES MUST BE CONDUCTED

10. JOINT RETURN MAY BE MADE AFTER SEPARATE RETURNS WITHOUT FULL PAYMENT OF JOINT RETURN TAX

11. DISCLOSURE OF COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURNS

The bill requires the IRS, upon request, to disclose in writing whether the IRS has attempted to collect unpaid taxes from the other individual who joined in the filing of a joint return.

12. WITHDRAWAL OF NOTICE OF LIEN

The bill allows the IRS to withdraw a public notice of tax lien prior to full payment by the indebted taxpayer. Upon request, the IRS must make reasonable efforts to notify credit agencies, etc.

13. RETURN OF LEVIED PROPERTY

The bill allows the IRS to return levied property without full payment of tax debt.

14. MODIFY CERTAIN LEVY EXEMPTION AMOUNTS

The bill increases the amount exempt from a tax levy for personal property