

(Mr. COONS) was added as a cosponsor of S. 66, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 515

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 515, a bill to require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

S. 1719

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1719, a bill to eliminate duties on imports of recreational performance outerwear, to establish the Sustainable Textile and Apparel Research Fund, and for other purposes.

S. 1989

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1989, a bill to enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes.

S. 2047

At the request of Mr. MURPHY, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2047, a bill to restrict the use of funds for kinetic military operations in North Korea.

S. 2124

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2124, a bill to ensure the privacy and security of sensitive personal information, to prevent and mitigate identity theft, to provide notice of security breaches involving sensitive personal information, and to enhance law enforcement assistance and for other protections against security breaches, fraudulent access, and misuse of personal information.

S. 2271

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2271, a bill to reauthorize the Museum and Library Services Act.

S. 2540

At the request of Ms. STABENOW, the name of the Senator from Mississippi

(Mr. WICKER) was added as a cosponsor of S. 2540, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 2555

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2555, a bill to amend the Agricultural Act of 2014 to establish the Dairy Farm Sustainability Price Loss Coverage Program, and for other purposes.

S. 2578

At the request of Mr. SCHATZ, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2578, a bill to amend title 13, United States Code, to require the Secretary of Commerce to provide advanced notice to Congress before changing any questions on the decennial census, and for other purposes.

S. 2639

At the request of Mr. MARKEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2639, a bill to require the Federal Trade Commission to establish privacy protections for customers of online edge providers, and for other purposes.

S. 2642

At the request of Mr. Kaine, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2642, a bill to require the Secretary of Labor, in consultation with the Secretary of Health and Human Services, to establish a pilot program for Jobs Plus Recovery programs, and for other purposes.

S. 2663

At the request of Mr. BARRASSO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2663, a bill to modify and improve provisions relating to environmental requirements for agriculture and agricultural producers, and for other purposes.

S. 2680

At the request of Mr. ALEXANDER, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Louisiana (Mr. CASSIDY) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 2680, a bill to address the opioid crisis.

At the request of Mrs. MURRAY, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Virginia (Mr. Kaine) were added as cosponsors of S. 2680, *supra*.

S.J. RES. 57

At the request of Mr. MORAN, the names of the Senator from Texas (Mr. CRUZ) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S.J. Res. 57, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act".

S. RES. 459

At the request of Ms. HARRIS, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. Res. 459, a resolution recognizing "Black Maternal Health Week" to bring national attention to the maternal health care crisis in the Black community and the importance of reducing the rate of maternal mortality and morbidity among Black women.

S. RES. 460

At the request of Ms. BALDWIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 460, a resolution condemning Boko Haram and calling on the Governments of the United States of America and Nigeria to swiftly implement measures to defeat the terrorist organization.

S. RES. 463

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 463, a resolution authorizing a Senator to bring a young son or daughter of the Senator onto the floor of the Senate during votes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. HELLER, and Mr. ROBERTS):

S. 2689. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Finance.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2689

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Taxpayer Bill of Rights Act of 2018".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Modification of standards for awarding of costs and certain fees.
- Sec. 3. Civil damages allowed for reckless or intentional disregard of internal revenue laws.
- Sec. 4. Modifications relating to certain offenses by officers and employees in connection with revenue laws.
- Sec. 5. Modifications relating to civil damages for unauthorized inspection or disclosure of returns and return information.
- Sec. 6. Ban on ex parte discussions.
- Sec. 7. Right to independent conference.
- Sec. 8. Alternative dispute resolution procedures.
- Sec. 9. Increase in monetary penalties for certain unauthorized disclosures of information.
- Sec. 10. Ban on raising new issues on appeal.
- Sec. 11. Limitation on enforcement of liens against principal residences.

- Sec. 12. Additional provisions relating to mandatory termination for misconduct.
- Sec. 13. Review by the Treasury Inspector General for Tax Administration.
- Sec. 14. Deduction for expenses relating to certain audits.
- Sec. 15. Term limit for National Taxpayer Advocate.
- Sec. 16. Release of IRS levy due to economic hardship for business taxpayers.
- Sec. 17. Repeal of partial payment requirement on submissions of offers-in-compromise.

## SEC. 2. MODIFICATION OF STANDARDS FOR AWARDING OF COSTS AND CERTAIN FEES.

(a) **SMALL BUSINESSES ELIGIBLE WITHOUT REGARD TO NET WORTH.**—Subparagraph (D) of section 7430(c)(4) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i)(II), by striking the period at the end of clause (ii) and inserting “, and”, and by adding at the end the following new clause:

“(iii) in the case of an eligible small business, the net worth limitation in clause (ii) of such section shall not apply.”.

(b) **ELIGIBLE SMALL BUSINESS.**—Paragraph (4) of section 7430(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(F) **ELIGIBLE SMALL BUSINESS.**—

“(i) **IN GENERAL.**—For purposes of subparagraph (D)(iii), the term ‘eligible small business’ means, with respect to any proceeding commenced in a taxable year—

“(I) a corporation the stock of which is not publicly traded,

“(II) a partnership, or

“(III) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed \$50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

“(ii) **ADJUSTMENT FOR INFLATION.**—In the case of any calendar year after 2018, the \$50,000,000 amount in clause (i) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

## SEC. 3. CIVIL DAMAGES ALLOWED FOR RECKLESS OR INTENTIONAL DISREGARD OF INTERNAL REVENUE LAWS.

(a) **INCREASE IN AMOUNT OF DAMAGES.**—

(1) **IN GENERAL.**—Section 7433(b) of the Internal Revenue Code of 1986 is amended by striking “\$1,000,000 (\$100,000, in the case of negligence)” and inserting “\$5,000,000 (\$500,000, in the case of negligence)”.

(2) **ADJUSTMENT FOR INFLATION.**—Section 7433 of such Code is amended by adding at the end the following new subsection:

“(f) **ADJUSTMENT FOR INFLATION.**—In the case of any calendar year after 2018, the \$5,000,000 and \$500,000 amounts in subsection (b) shall each be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar

year, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500.”.

(b) **EXTENSION OF TIME TO BRING ACTION.**—Section 7433(d)(3) of the Internal Revenue Code of 1986 is amended by striking “2 years” and inserting “5 years”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to actions of employees of the Internal Revenue Service after the date of the enactment of this Act.

## SEC. 4. MODIFICATIONS RELATING TO CERTAIN OFFENSES BY OFFICERS AND EMPLOYEES IN CONNECTION WITH REVENUE LAWS.

(a) **INCREASE IN PENALTY.**—Section 7214 of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$10,000” in subsection (a) and inserting “\$25,000”, and

(2) by striking “\$5,000” in subsection (b) and inserting “\$10,000”.

(b) **ADJUSTMENT FOR INFLATION.**—Section 7214 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) **ADJUSTMENT FOR INFLATION.**—In the case of any calendar year after 2018, the \$25,000 amount in subsection (a) and the \$10,000 amount in subsection (b) shall each be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$100, such amount shall be rounded to the next lowest multiple of \$100.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

## SEC. 5. MODIFICATIONS RELATING TO CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION OR DISCLOSURE OF RETURNS AND RETURN INFORMATION.

(a) **INCREASE IN AMOUNT OF DAMAGES.**—Subparagraph (A) of section 7431(c)(1) of the Internal Revenue Code of 1986 is amended by striking “\$1,000” and inserting “\$10,000”.

(b) **ADJUSTMENT FOR INFLATION.**—Section 7431 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(i) **ADJUSTMENT FOR INFLATION.**—In the case of any calendar year after 2018, the \$10,000 amount in subsection (c)(1)(A) shall be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$100, such amount shall be rounded to the next lowest multiple of \$100.”.

(c) **PERIOD FOR BRINGING ACTION.**—Subsection (d) of section 7431 of the Internal Revenue Code of 1986 is amended by striking “2 years” and inserting “5 years”.

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

## SEC. 6. BAN ON EX PARTE DISCUSSIONS.

(a) **IN GENERAL.**—Notwithstanding section 1001(a)(4) of the Internal Revenue Service Re-

structuring and Reform Act of 1998, the Internal Revenue Service shall prohibit any ex parte communications between officers in the Internal Revenue Service Office of Appeals and other Internal Revenue Service employees with respect to any matter pending before such officers.

(b) **TERMINATION OF EMPLOYMENT FOR MISCONDUCT.**—Subject to subsection (c), the Commissioner of Internal Revenue shall terminate the employment of any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission prohibited under subsection (a) in the performance of the employee’s official duties. Such termination shall be a removal for cause on charges of misconduct.

(c) **DETERMINATION OF COMMISSIONER.**—

(1) **IN GENERAL.**—The Commissioner of Internal Revenue may take a personnel action other than termination for an act prohibited under subsection (a).

(2) **DISCRETION.**—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner of Internal Revenue and may not be delegated to any other officer. At the sole discretion of the Commissioner of Internal Revenue, such Commissioner may establish a procedure which will be used to determine whether an individual should be referred to the Commissioner of Internal Revenue for a determination by the Commissioner under paragraph (1).

(3) **NO APPEAL.**—Any determination of the Commissioner of Internal Revenue under this subsection may not be appealed in any administrative or judicial proceeding.

(d) **TIGTA REPORTING OF TERMINATION OR MITIGATION.**—Section 7803(d)(1)(E) of the Internal Revenue Code of 1986 is amended by inserting “or section 6 of the Small Business Taxpayer Bill of Rights Act of 2018” after “1998”.

## SEC. 7. RIGHT TO INDEPENDENT CONFERENCE.

Section 1001 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) **RIGHT TO INDEPENDENT CONFERENCE.**—Under the organization plan of the Internal Revenue Service, a taxpayer shall have the right to a conference with the Internal Revenue Service Office of Appeals which does not include personnel from the Office of Chief Counsel for the Internal Revenue Service or the compliance functions of the Internal Revenue Service unless the taxpayer specifically consents to the participation of such personnel.”.

## SEC. 8. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) **IN GENERAL.**—Section 7123 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) **AVAILABILITY OF DISPUTE RESOLUTIONS.**—

“(1) **IN GENERAL.**—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide that a taxpayer may request mediation or arbitration in any case unless the Secretary has specifically excluded the type of issue involved in such case or the class of cases to which such case belongs as not appropriate for resolution under such subsection. The Secretary shall make any determination that excludes a type of issue or a class of cases public within 5 working days and provide an explanation for each determination.

“(2) **INDEPENDENT MEDIATORS.**—

“(A) **IN GENERAL.**—The procedures prescribed under subsection (b)(1) shall provide the taxpayer an opportunity to elect to have the mediation conducted by an independent,

neutral individual not employed by the Internal Revenue Service Office of Appeals.

“(B) COST AND SELECTION.—

“(i) IN GENERAL.—Any taxpayer making an election under subparagraph (A) shall be required—

“(I) to share the costs of such independent mediator equally with the Internal Revenue Service Office of Appeals, and

“(II) to limit the selection of the mediator to a roster of recognized national or local neutral mediators.

“(ii) EXCEPTION.—Clause (i)(I) shall not apply to any taxpayer who is an individual or who was a small business in the preceding calendar year if such taxpayer had an adjusted gross income that did not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, in the taxable year preceding the request.

“(iii) SMALL BUSINESS.—For purposes of clause (ii), the term ‘small business’ has the meaning given such term under section 41(b)(3)(D)(iii).

“(3) AVAILABILITY OF PROCESS.—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide the opportunity to elect mediation or arbitration at the time when the case is first filed with the Office of Appeals and at any time before deliberations in the appeal commence.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 9. INCREASE IN MONETARY PENALTIES FOR CERTAIN UNAUTHORIZED DISCLOSURES OF INFORMATION.

(a) IN GENERAL.—Paragraphs (1), (2), (3), and (4) of section 7213(a) of the Internal Revenue Code of 1986 are each amended by striking “\$5,000” and inserting “\$10,000”.

(b) ADJUSTMENT FOR INFLATION.—Subsection (a) of section 7213 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) ADJUSTMENT FOR INFLATION.—In the case of any calendar year after 2018, the \$10,000 amounts in paragraphs (1), (2), (3), and (4) shall each be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$100, such amount shall be rounded to the next lowest multiple of \$100.”.

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

#### SEC. 10. BAN ON RAISING NEW ISSUES ON APPEAL.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

##### “SEC. 7529. PROHIBITION ON INTERNAL REVENUE SERVICE RAISING NEW ISSUES IN AN INTERNAL APPEAL.

“(a) IN GENERAL.—In reviewing an appeal of any determination initially made by the Internal Revenue Service, the Internal Revenue Service Office of Appeals may not consider or decide any issue that is not within the scope of the initial determination.

“(b) CERTAIN ISSUES DEEMED OUTSIDE OF SCOPE OF DETERMINATION.—For purposes of subsection (a), the following matters shall be considered to be not within the scope of a determination:

“(1) Any issue that was not raised in a notice of deficiency or an examiner’s report which is the subject of the appeal.

“(2) Any deficiency in tax which was not included in the initial determination.

“(3) Any theory or justification for a tax deficiency which was not considered in the initial determination.

“(c) NO INFERENCE WITH RESPECT TO ISSUES RAISED BY TAXPAYERS.—Nothing in this section shall be construed to provide any limitation in addition to any limitations in effect on the date of the enactment of this section on the right of a taxpayer to raise an issue, theory, or justification on an appeal from a determination initially made by the Internal Revenue Service that was not within the scope of the initial determination.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 7529. Prohibition on Internal Revenue Service raising new issues in an internal appeal.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to matters filed or pending with the Internal Revenue Service Office of Appeals on or after the date of the enactment of this Act.

#### SEC. 11. LIMITATION ON ENFORCEMENT OF LIENS AGAINST PRINCIPAL RESIDENCES.

(a) IN GENERAL.—Section 7403(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking “In any case” and inserting the following:

“(1) IN GENERAL.—In any case”, and

(2) by adding at the end the following new paragraph:

“(2) LIMITATION WITH RESPECT TO PRINCIPAL RESIDENCE.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any property used as the principal residence of the taxpayer (within the meaning of section 121) unless the Secretary of the Treasury makes a written determination that—

“(i) all other property of the taxpayer, if sold, is insufficient to pay the tax or discharge the liability, and

“(ii) such action will not create an economic hardship for the taxpayer.

“(B) DELEGATION.—For purposes of this paragraph, the Secretary of the Treasury may not delegate any responsibilities under subparagraph (A) to any person other than—

“(i) the Commissioner of Internal Revenue, or

“(ii) a district director or assistant district director of the Internal Revenue Service.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to actions filed after the date of the enactment of this Act.

#### SEC. 12. ADDITIONAL PROVISIONS RELATING TO MANDATORY TERMINATION FOR MISCONDUCT.

(a) TERMINATION OF UNEMPLOYMENT FOR INAPPROPRIATE REVIEW OF TAX-EXEMPT STATUS.—Section 1203(b) of the Internal Revenue Service Restructuring and Reform Act of 1998 (26 U.S.C. 7804 note) is amended by striking “and” at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting “; and”, and by adding at the end the following new paragraph:

“(11) in the case of any review of an application for tax-exempt status by an organization described in section 501(c) of the Internal Revenue Code of 1986, developing or using any methodology that applies disproportionate scrutiny to any applicant based on the ideology expressed in the name or purpose of the organization.”.

(b) MANDATORY UNPAID ADMINISTRATIVE LEAVE FOR MISCONDUCT.—Paragraph (1) of section 1203(c) of the Internal Revenue Service Restructuring and Reform Act of 1998 (26 U.S.C. 7804 note) is amended by adding at the

end the following new sentence: “Notwithstanding the preceding sentence, if the Commissioner of Internal Revenue takes a personnel action other than termination for an act or omission described in subsection (b), the Commissioner shall place the employee on unpaid administrative leave for a period of not less than 90 days.”.

(c) LIMITATION ON ALTERNATIVE PUNISHMENT.—Paragraph (1) of section 1203(c) of the Internal Revenue Service Restructuring and Reform Act of 1998 (26 U.S.C. 7804 note) is amended by striking “The Commissioner” and inserting “Except in the case of an act or omission described in subsection (b)(3)(A), the Commissioner”.

#### SEC. 13. REVIEW BY THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.

(a) REVIEW.—Subsection (k)(1) of section 8D of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (C), by striking “and” at the end,

(2) by redesignating subparagraph (D) as subparagraph (E),

(3) by inserting after subparagraph (C) the following new subparagraph:

“(D) shall—

“(i) review any criteria employed by the Internal Revenue Service to select tax returns (including applications for recognition of tax-exempt status) for examination or audit, assessment or collection of deficiencies, criminal investigation or referral, refunds for amounts paid, or any heightened scrutiny or review in order to determine whether the criteria discriminates against taxpayers on the basis of race, religion, or political ideology; and

“(ii) consult with the Internal Revenue Service on recommended amendments to such criteria in order to eliminate any discrimination identified pursuant to the review described in clause (i); and”, and

(4) in subparagraph (E), as so redesignated, by striking “and (C)” and inserting “(C), and (D)”.

(b) SEMIANNUAL REPORT.—Subsection (g) of section 8D of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

“(3) Any semiannual report made by the Treasury Inspector General for Tax Administration that is required pursuant to section 5(a) shall include—

“(A) a statement affirming that the Treasury Inspector General for Tax Administration has reviewed the criteria described in subsection (k)(1)(D) and consulted with the Internal Revenue Service regarding such criteria; and

“(B) a description and explanation of any such criteria that was identified as discriminatory by the Treasury Inspector General for Tax Administration.”.

#### SEC. 14. DEDUCTION FOR EXPENSES RELATING TO CERTAIN AUDITS.

(a) IN GENERAL.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(22) EXPENSES RELATING TO CERTAIN AUDITS.—The deduction allowed by section 224.”.

(b) DEDUCTION FOR EXPENSES RELATING TO CERTAIN AUDITS.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

##### “SEC. 224. EXPENSES RELATING TO CERTAIN AUDITS.

“(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to so much of the qualified

NRP expenses paid or incurred during the taxable year as does not exceed \$5,000.

“(b) QUALIFIED NRP EXPENSES.—For purposes of this section, the term ‘qualified NRP expenses’ means amounts which but for subsection (d) would be allowed as a deduction under section 162 or 212(3) in connection with an audit of the taxpayer’s return of the tax imposed by this chapter for any taxable year under the National Research Program, but only if such audit results in no increase in the tax liability of the taxpayer for such taxable year.

“(c) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under any other provision of this chapter for any amount for which a deduction is allowed under this section.”.

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 224 and by inserting after the item relating to section 223 the following new items:

“Sec. 224. Expenses relating to certain audits.

“Sec. 225. Cross reference.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

#### SEC. 15. TERM LIMIT FOR NATIONAL TAXPAYER ADVOCATE.

(a) IN GENERAL.—Subparagraph (B) of section 7803(c)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

“(v) TERM.—The term of the National Taxpayer Advocate shall be a 10-year term, beginning with a term to commence on the date which is 18 months after the date of the enactment of the Small Business Taxpayer Bill of Rights Act of 2018. Each subsequent term shall begin on the day after the date on which the previous term expires. The National Taxpayer Advocate may be appointed to serve more than 1 term.”.

(b) EFFECTIVE DATE.—The term of any individual serving as the National Taxpayer Advocate under section 7803(c) of the Internal Revenue Code of 1986 as of the date of the enactment of this Act shall end as of the day before the date which is 18 months after such date of enactment, unless such individual is reappointed as the National Taxpayer Advocate for a subsequent term pursuant to section 7803(c)(1)(B)(v) of such Code.

#### SEC. 16. RELEASE OF IRS LEVY DUE TO ECONOMIC HARDSHIP FOR BUSINESS TAXPAYERS.

(a) IN GENERAL.—Subparagraph (D) of section 6343(a)(1) of the Internal Revenue Code of 1986 is amended by striking “or” and inserting “including the financial condition of the taxpayer’s viable trade or business, or”.

(b) DETERMINATION OF ECONOMIC HARDSHIP.—Subsection (a) of section 6343 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) DETERMINATION OF ECONOMIC HARDSHIP TO BUSINESS TAXPAYER.—In determining whether to release any levy under paragraph (1)(D), the Secretary shall consider—

“(A) the economic viability of the business,

“(B) the nature and extent of the hardship created by the levy (including whether the taxpayer has exercised ordinary business care and prudence), and

“(C) the potential harm to individuals if the business is liquidated.”.

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

#### SEC. 17. REPEAL OF PARTIAL PAYMENT REQUIREMENT ON SUBMISSIONS OF OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122 of the Internal Revenue Code of 1986 is amended by striking subsection (c) and by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 7122(c) of the Internal Revenue Code of 1986, as redesignated by subsection (a), is amended by inserting “and” at the end of subparagraph (A), by striking “, and” at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(2) Section 7122 of such Code, as amended by this section, is amended by adding at the end the following new subsection:

“(g) APPLICATION OF USER FEE.—In the case of any assessed tax or other amounts imposed under this title with respect to such tax which is the subject of an offer-in-compromise, such tax or other amounts shall be reduced by any user fee imposed under this title with respect to such offer-in-compromise.”.

(3) Section 6159(g) of such Code is amended by striking “section 7122(e)” and inserting “section 7122(d)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted after the date of the enactment of this Act.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 470—EXPRESSING THE SENSE OF THE SENATE THAT ELECTRICITY MARKETS DO NOT APPROPRIATELY VALUE THE RELIABILITY AND RESILIENCE ATTRIBUTES OF BASELOAD POWER GENERATION SERVING THE BULK POWER SYSTEM

Mr. MANCHIN submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 470

Whereas the power generation resource mix of the United States is rapidly changing, presenting ongoing challenges to ensuring that baseload units remain operational and provide enhanced resilience and reliability to the power grid of the United States;

Whereas many baseload units are not appropriately valued for the resilience and reliability attributes those units provide to the power grid of the United States;

Whereas accelerated retirements of coal-fired and nuclear baseload power generation resources are among those challenges, including how those resources are needed—

(1) to provide dependable capacity to serve customers;

(2) to support essential grid services, such as voltage and frequency support and ramping capability;

(3) to offer high availability and reliability from significant on-site fuel storage; and

(4) to support integration of new generation resources; and

Whereas in Docket Numbers RM18-000-001 and AD18-7-001, and in other proceedings, the Federal Energy Regulatory Commission has compiled extensive evidence documenting the reliability and resilience attributes of all power generation resources: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Federal Energy Regulatory Com-

mission should take action to ensure that the electricity markets fully recognize the reliability and resilience benefits of coal-fired and nuclear baseload power generation resources serving the bulk power system.

#### SENATE RESOLUTION 471—DESIGNATING MARCH 29, 2018, AS “VIETNAM VETERANS DAY”

Mr. BURR (for himself and Mr. MANCHIN) submitted the following resolution; which was considered and agreed to:

S. RES. 471

Whereas the Vietnam War was fought in the Republic of Vietnam from 1955 to 1975 and involved regular forces from the Democratic Republic of Vietnam and Viet Cong guerrilla forces in armed conflict with the United States Armed Forces, the armed forces of allies of the United States, and the armed forces of the Republic of Vietnam;

Whereas the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct support by the Armed Forces to the Government of the Republic of Vietnam to defend against the growing threat of Communism from the Democratic Republic of Vietnam;

Whereas members of the United States Armed Forces began serving in an advisory role to the Government of South Vietnam in 1955;

Whereas as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408) on August 7, 1964, which provided to the President of the United States the authority to use armed force to assist the Republic of Vietnam in the defense of its freedom against the Democratic Republic of Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in the Republic of Vietnam to join an already present 23,000 United States Armed Forces personnel;

Whereas, by September 1965, there were between 150,000 and 190,000 United States Armed Forces troops in Vietnam, and by 1969, a peak number of United States Armed Forces troops in Vietnam of approximately 549,500 troops was reached, including United States Armed Forces members supporting the combat operations from Thailand, Cambodia, Laos, and aboard Navy vessels;

Whereas, on January 27, 1973, the Agreement on Ending the War in Vietnam and Restoring Peace (commonly known as the “Paris Peace Accords”) was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 29, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capital of South Vietnam, effectively placing South Vietnam under Communist control;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in the Vietnam War, and more than 300,000 members of the United States Armed Forces were wounded in Vietnam;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate the members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of