

105TH CONGRESS
2D SESSION

H. R. 4096

To amend title 5, United States Code, to provide for Congressional review of rules establishing or increasing taxes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 1998

Mr. GEKAS (for himself, Mr. HAYWORTH, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mrs. BONO, Mr. BRYANT, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. CHABOT, Mrs. CHENOWETH, Mr. COBLE, Mrs. CUBIN, Mr. DEAL of Georgia, Mr. DUNCAN, Mr. EHRLICH, Mr. ENGLISH of Pennsylvania, Mr. EWING, Mr. GIBBONS, Mr. GILCHREST, Mr. HANSEN, Mr. HERGER, Mr. HILLEARY, Mr. HOSTETTLER, Mr. ISTOOK, Mr. JONES, Mrs. KELLY, Mr. KINGSTON, Mr. KOLBE, Mr. LARGENT, Mr. LAHOOD, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. MICA, Mr. NEUMANN, Mr. PAXON, Mr. PITTS, Mr. POMBO, Mr. RADANOVICH, Mr. REDMOND, Mr. SALMON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER of Colorado, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SNOWBARGER, Mr. STUMP, Mr. TALENT, Mr. THOMAS, Mr. TIAHRT, Mr. WATKINS, and Mr. WATTS of Oklahoma) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 5, United States Code, to provide for Congressional review of rules establishing or increasing taxes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Taxpayer’s Defense
3 Act”.

4 **SEC. 2. MANDATORY CONGRESSIONAL REVIEW.**

5 Chapter 8 of title 5, United States Code, is amended
6 by inserting after section 808 the following:

7 “SUBCHAPTER II—MANDATORY REVIEW OF
8 CERTAIN RULES

9 **“§ 815. Rules Subject to Mandatory Congressional Re-
10 view**

11 “A rule that establishes or increases a tax, however
12 denominated, shall not take effect before the date of the
13 enactment of a bill described in section 816 and is not
14 subject to review under subchapter I. This section does
15 not apply to a rule promulgated under the Internal Reve-
16 nue Code of 1986.

17 **“§ 816. Agency Submission**

18 “Whenever an agency promulgates a rule subject to
19 section 815, the agency shall submit to each House of
20 Congress a report containing the text of the rule and an
21 explanation of it. An agency shall submit such a report
22 separately for each such rule it promulgates. The expla-
23 nation shall consist of the concise general statement of the
24 rule’s basis and purpose required by section 553 and such
25 explanatory documents as are mandated by other statu-
26 tory requirements.

1 **“§ 817. Approval Bill**

2 “(a) INTRODUCTION AND REFERRAL.—

3 “(1) INTRODUCTION.—Not later than 3 legisla-
4 tive days after the date on which an agency submits
5 a report under section 816, the Majority Leader of
6 each House of Congress shall introduce (by request)
7 a bill the matter after the enacting clause of which
8 is as follows: “The following agency rule is approved
9 and shall have the force and effect of law:”. The text
10 of the agency rule submitted under section 816 shall
11 be set forth after the colon. If such a bill is not in-
12 troduced in a House of Congress as provided in the
13 first sentence of this subsection, any Member of that
14 House may introduce such a bill not later than 7
15 legislative days after the period for introduction by
16 the Majority Leader.

17 “(2) REFERRAL.—A bill introduced under para-
18 graph (1) shall be referred to the Committees in
19 each House of Congress with jurisdiction over the
20 subject matter of the rule involved.

21 “(b) PROCEDURE.—

22 “(1) CONSIDERATION IN THE HOUSE OF REP-
23 REPRESENTATIVES.—

24 “(A) COMMITTEE OR MEMBER ACTION.—

25 Any committee of the House of Representatives
26 to which a bill is referred shall report it without

1 amendment, and with or without recommenda-
2 tion, not later than the 30th calendar day of
3 session after the date of its introduction. If any
4 committee fails to report the bill within that pe-
5 riod, it is in order to move that the House dis-
6 charge the committee from further consider-
7 ation of the bill. A motion to discharge may be
8 made only by a Member favoring the bill (but
9 only at a time designated by the Speaker on the
10 legislative day after the calendar day on which
11 the Member offering the motion announces to
12 the House his intention to do so and the form
13 of the motion). The motion is highly privileged.
14 Debate thereon shall be limited to not more
15 than one hour, the time to be divided in the
16 House equally between the proponent and an
17 opponent. The previous question shall be con-
18 sidered as ordered on the motion to its adoption
19 without intervening motion. A motion to recon-
20 sider the vote by which the motion is agreed to
21 or disagreed to shall not be in order.

22 “(B) HOUSE ACTION.—After a bill is re-
23 ported or a committee has been discharged
24 from further consideration, it is in order to
25 move that the House resolve into the Commit-

1 tee of the Whole House on the State of the
2 Union for consideration of the bill. If reported
3 and the report has been available for at least
4 one calendar day, all points of order against the
5 bill and against consideration of the bill are
6 waived. If discharged, all points of order
7 against the bill and against consideration of the
8 bill are waived. The motion is highly privileged.
9 A motion to reconsider the vote by which the
10 motion is agreed to or disagreed to shall not
11 be in order. During consideration of the bill in
12 the Committee of the Whole, the first reading
13 of the bill shall be dispensed with. General de-
14 bate shall proceed, shall be confined to the bill,
15 and shall not exceed one hour equally divided
16 and controlled by a proponent and an opponent
17 of the bill. After general debate, the bill shall
18 be considered as read for amendment under the
19 five-minute rule. At the conclusion of the con-
20 sideration of the bill, the Committee shall rise
21 and report the bill to the House without inter-
22 vening motion. The previous question shall be
23 considered as ordered on the bill to final pas-
24 sage without intervening motion. A motion to

1 reconsider the vote on passage of the bill shall
2 not be in order.

3 “(C) APPEALS.—Appeals from decisions of
4 the Chair regarding application of the rules of
5 the House of Representatives to the procedure
6 relating to a bill shall be decided without de-
7 bate.

8 “(2) CONSIDERATION IN THE SENATE.—

9 “(A) REFERRAL AND REPORTING.—Any
10 bill introduced in the Senate shall be referred to
11 the appropriate committee or committees. A
12 committee to which a bill has been referred
13 shall report the bill without amendment not
14 later than the 30th day of session following the
15 date of introduction of that bill. If any commit-
16 tee fails to report the bill within that period,
17 that committee shall be automatically dis-
18 charged from further consideration of the bill
19 and the bill shall be placed on the Calendar.

20 “(B) BILL FROM HOUSE.—When the Sen-
21 ate receives from the House of Representatives
22 a bill, such bill shall not be referred to commit-
23 tee and shall be placed on the Calendar.

24 “(C) MOTION NONDEBATABLE.—A motion
25 to proceed to consideration of a bill under this

1 subsection shall not be debatable. It shall not
2 be in order to move to reconsider the vote by
3 which the motion to proceed was adopted or re-
4 jected, although subsequent motions to proceed
5 may be made under this paragraph.

6 “(D) LIMIT ON CONSIDERATION.—

7 “(i) VOTE.—After no more than 10
8 hours of consideration of a bill, the Senate
9 shall proceed, without intervening action or
10 debate (except as permitted under sub-
11 paragraph (F)), to vote on the final dis-
12 position thereof to the exclusion of all mo-
13 tions, except a motion to reconsider or to
14 table.

15 “(ii) MOTION TO EXTEND.—A single
16 motion to extend the time for consideration
17 under clause (i) for no more than an addi-
18 tional 5 hours is in order before the expira-
19 tion of such time and shall be decided
20 without debate.

21 “(iii) TIME FOR DEBATE.—The time
22 for debate on the disapproval bill shall be
23 equally divided between the Majority Lead-
24 er and the Minority Leader or their des-
25 ignees.

1 “(E) NO MOTION TO RECOMMIT.—A mo-
2 tion to recommit a bill shall not be in order.

3 “(F) DISPOSITION OF SENATE BILL.—If
4 the Senate has read for the third time a bill
5 that originated in the Senate, then it shall be
6 in order at any time thereafter to move to pro-
7 ceed to the consideration of a bill for the same
8 special message received from the House of
9 Representatives and placed on the Calendar
10 pursuant to subparagraph (B), strike all after
11 the enacting clause, substitute the text of the
12 Senate bill, agree to the Senate amendment,
13 and vote on final disposition of the House bill,
14 all without any intervening action or debate.

15 “(G) CONSIDERATION OF HOUSE MES-
16 SAGE.—Consideration in the Senate of all mo-
17 tions, amendments, or appeals necessary to dis-
18 pose of a message from the House of Rep-
19 resentatives on a bill shall be limited to not
20 more than 4 hours. Debate on each motion or
21 amendment shall be limited to 30 minutes. De-
22 bate on any appeal or point of order that is
23 submitted in connection with the disposition of
24 the House message shall be limited to 20 min-
25 utes. Any time for debate shall be equally di-

1 vided and controlled by the proponent and the
 2 majority manager, unless the majority manager
 3 is a proponent of the motion, amendment, ap-
 4 peal, or point of order, in which case the minor-
 5 ity manager shall be in control of the time in
 6 opposition.

7 **SEC. 3. TECHNICAL AMENDMENTS.**

8 (a) **HEADING.**—Chapter 8 of title 5, United States
 9 Code, is amended by inserting before section 801 the fol-
 10 lowing:

11 “SUBCHAPTER I—DISCRETIONARY
 12 CONGRESSIONAL REVIEW”.

13 (b) **TABLE OF SECTIONS.**—The table of sections for
 14 chapter 8 of title 5, United States Code, is amended by
 15 inserting before the reference to section 801 the following:

“SUBCHAPTER I—DISCRETIONARY CONGRESSIONAL REVIEW”

16 and by inserting after the reference to section 808 the fol-
 17 lowing:

“SUBCHAPTER II—MANDATORY REVIEW OF CERTAIN RULES

“815. Rules subject to mandatory Congressional review.

“816. Agency submission.

“817. Approval bill.”.

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