

107TH CONGRESS
2D SESSION

H. R. 4716

To terminate the Internal Revenue Code of 1986.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2002

Mr. DEMINT (for himself, Mr. HALL of Texas, Mr. PORTMAN, Mr. AKIN, Mr. ARMEY, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BLUNT, Mr. BRADY of Texas, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMP, Mr. CANTOR, Mr. COOKSEY, Mr. COX, Mr. CRENSHAW, Mrs. CUBIN, Mr. CULBERSON, Mr. DEAL of Georgia, Mr. DELAY, Ms. DUNN of Washington, Mrs. EMERSON, Mr. EVERETT, Mr. FOSSELLA, Mr. GIBBONS, Mr. GILLMOR, Mr. GOODE, Mr. GOODLATTE, Mr. GRAHAM, Mr. GREEN of Wisconsin, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. ISAKSON, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KERNS, Mr. KNOLLENBERG, Mr. LUCAS of Oklahoma, Mr. MICA, Mr. OTTER, Mr. OXLEY, Mr. REYNOLDS, Mrs. ROUKEMA, Mr. SCHAFER, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SOUDER, Mr. STEARNS, Mr. SUNUNU, Mr. SWEENEY, Mr. TANCREDO, Mr. TAUZIN, Mr. TERRY, Mr. THORNBERRY, Mr. TIBERI, Mr. TIAHRT, Mr. VITTER, Mr. WELDON of Florida, Mr. WAMP, Mr. CANNON, Mr. MANZULLO, Mr. LINDER, Mr. TOOMEY, Mr. HASTINGS of Washington, Mr. CHABOT, Mr. LATOURETTE, Mr. HOEKSTRA, Mr. CRANE, Ms. HART, Mr. FOLEY, Mr. BROWN of South Carolina, Mr. FLETCHER, Mr. TAYLOR of North Carolina, Mr. DUNCAN, Mr. SMITH of Michigan, Mr. PAUL, Mr. DOOLITTLE, Mrs. MYRICK, Mr. HANSEN, Mr. PITTS, Mr. BALLENGER, Mr. BAKER, Mr. PETRI, Mr. KINGSTON, Mr. RYUN of Kansas, Mr. JEFF MILLER of Florida, Mr. NORWOOD, Mr. WILSON of South Carolina, Mr. ADERHOLT, Mr. FLAKE, Mr. CHAMBLISS, Mr. CALVERT, Mr. HOSTETTLER, Mr. PUTNAM, Mr. DAN MILLER of Florida, Mr. STUMP, Mr. WICKER, Mr. BACHUS, Mr. BONILLA, Mr. BOOZMAN, Mr. COBLE, Mr. COLLINS, Mr. CUNNINGHAM, Ms. GRANGER, Mr. HORN, Mr. HYDE, Mr. MCINNIS, Mr. NETHERCUTT, Mr. NEY, Mr. NUSSLE, Mr. ROHRABACHER, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. WATTS of Oklahoma, Mr. GEKAS, Mr. PENCE, Mr. ISTOOK, Mr. EHRLICH, Mr. ISSA, Mrs. JO ANN DAVIS of Virginia, Mr. WALDEN, Mr. HOBSON, Mr. SHUSTER, Mrs. WILSON of New Mexico, Mr. COMBEST, Mr. HUNTER, Mr. KIRK, Mr. POMBO, Mr. ROYCE, Mr. SULLIVAN, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. PE-

TERSON of Pennsylvania, Mr. ROGERS of Michigan, Mr. SCHROCK, Mr. SIMMONS, Mr. SIMPSON, Mr. YOUNG of Alaska, Mr. MORAN of Kansas, Ms. PRYCE of Ohio, and Mr. RAMSTAD) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To terminate the Internal Revenue Code of 1986.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Date Certain Tax Code
5 Replacement Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to set a date certain for
8 replacing the Internal Revenue Code of 1986 with a simple
9 and fair alternative.

10 **SEC. 3. TERMINATION OF INTERNAL REVENUE CODE OF**
11 **1986.**

12 (a) IN GENERAL.—No tax shall be imposed by the
13 Internal Revenue Code of 1986—

14 (1) for any taxable year beginning after Decem-
15 ber 31, 2005; and

16 (2) in the case of any tax not imposed on the
17 basis of a taxable year, on any taxable event or for
18 any period after December 31, 2005.

1 (b) EXCEPTION.—Subsection (a) shall not apply to
2 taxes imposed by—

3 (1) chapter 2 of such Code (relating to tax on
4 self-employment income);

5 (2) chapter 21 of such Code (relating to Fed-
6 eral Insurance Contributions Act); and

7 (3) chapter 22 of such Code (relating to Rail-
8 road Retirement Tax Act).

9 **SEC. 4. NATIONAL COMMISSION ON TAX REFORM AND**
10 **SIMPLIFICATION.**

11 (a) FINDINGS.—The Congress finds the following:

12 (1) The Internal Revenue Code of 1986 is over-
13 ly complex, imposes significant burdens on individ-
14 uals and businesses and the economy, is extremely
15 difficult for the Internal Revenue Service to admin-
16 ister, and is in need of fundamental reform and sim-
17 plification.

18 (2) Many of the problems encountered by tax-
19 payers in dealing with the Internal Revenue Service
20 could be eliminated or alleviated by fundamental re-
21 form and simplification.

22 (3) The Federal Government's present fiscal
23 outlook for continuing and sustained budget sur-
24 pluses provides a unique opportunity for the Con-

1 gress to consider measures for fundamental reform
2 and simplification of the tax laws.

3 (4) Recent efforts to simplify or reform the tax
4 laws have not been successful due in part to the dif-
5 ficulty of developing broad-based, nonpartisan sup-
6 port for proposals to make such changes.

7 (5) Many of the problems with the Internal
8 Revenue Service stem from the overly complex tax
9 code the agency is asked to administer.

10 (b) ESTABLISHMENT.—

11 (1) IN GENERAL.—To carry out the purposes of
12 this section, there is established within the legislative
13 branch a National Commission on Tax Reform and
14 Simplification (in this section referred to as the
15 “Commission”).

16 (2) COMPOSITION.—The Commission shall be
17 composed of 15 members, as follows:

18 (A) Three members appointed by the
19 President, two from the executive branch of the
20 Government and one from private life.

21 (B) Four members appointed by the ma-
22 jority leader of the Senate, one from Members
23 of the Senate and three from private life.

1 (C) Two members appointed by the minor-
2 ity leader of the Senate, one from Members of
3 the Senate and one from private life.

4 (D) Four members appointed by the
5 Speaker of the House of Representatives, one
6 from Members of the House and three from pri-
7 vate life.

8 (E) Two members appointed by the minor-
9 ity leader of the House of Representatives, one
10 from Members of the House and one from pri-
11 vate life.

12 (3) CHAIR.—The Commission shall elect a
13 Chair (or two Co-Chairs) from among its members.

14 (4) MEETINGS, QUORUMS, VACANCIES.—After
15 its initial meeting, the Commission shall meet upon
16 the call of the Chair (Co-Chairs, if elected) or a ma-
17 jority of its members. Nine members of the Commis-
18 sion shall constitute a quorum. Any vacancy in the
19 Commission shall not affect its powers, but shall be
20 filled in the same manner in which the original ap-
21 pointment was made. Any meeting of the Commis-
22 sion or any subcommittee thereof may be held in ex-
23 ecutive session to the extent that the Chair (Co-
24 Chairs, if elected) or a majority of the members of

1 the Commission or subcommittee determine appro-
2 priate.

3 (5) CONTINUATION OF MEMBERSHIP.—If—

4 (A) any individual who appointed a mem-
5 ber to the Commission by virtue of holding a
6 position described in paragraph (2) ceases to
7 hold such position before the report of the Com-
8 mission is submitted under subsection (g); or

9 (B) a member was appointed to the Com-
10 mission as a Member of Congress and the mem-
11 ber ceases to be a Member of Congress, or was
12 appointed to the Commission because the mem-
13 ber was not an officer or employee of any gov-
14 ernment and later becomes an officer or em-
15 ployee of a government,

16 that member may continue as a member for not
17 longer than the 30-day period beginning on the date
18 that such individual ceases to hold such position or
19 such member ceases to be a Member of Congress or
20 becomes such an officer or employee, as the case
21 may be.

22 (6) APPOINTMENT; INITIAL MEETING.—

23 (A) APPOINTMENT.—It is the sense of the
24 Congress that members of the Commission

1 should be appointed not more than 60 days
2 after the date of the enactment of this Act.

3 (B) INITIAL MEETING.—If, after 60 days
4 from the date of the enactment of this Act,
5 eight or more members of the Commission have
6 been appointed, members who have been ap-
7 pointed may meet and select the Chair (or Co-
8 Chairs) who thereafter shall have the authority
9 to begin the operations of the Commission, in-
10 cluding the hiring of staff.

11 (c) FUNCTIONS OF THE COMMISSION.—

12 (1) IN GENERAL.—The functions of the Com-
13 mission shall be—

14 (A) to conduct, for a period of not to ex-
15 ceed 18 months from the date of its first meet-
16 ing, the review described in paragraph (2); and

17 (B) to submit to the Congress a report of
18 the results of such review, including rec-
19 ommendations for fundamental reform and sim-
20 plification of the Internal Revenue Code of
21 1986, as described in subsection (g).

22 (2) REVIEW.—The Commission shall review—

23 (A) the present structure and provisions of
24 the Internal Revenue Code of 1986, especially
25 with respect to—

1 (i) its impact on the economy (includ-
2 ing the impact on savings, capital forma-
3 tion and capital investment);

4 (ii) its impact on families and the
5 workforce (including issues relating to dis-
6 tribution of tax burden);

7 (iii) the compliance cost to taxpayers;

8 and

9 (iv) the ability of the Internal Rev-
10 enue Service to administer such provisions;

11 (B) whether tax systems imposed under
12 the laws of other countries could provide more
13 efficient and fair methods of funding the rev-
14 enue requirements of the government;

15 (C) whether the income tax should be re-
16 placed with a tax imposed in a different manner
17 or on a different base; and

18 (D) whether the Internal Revenue Code of
19 1986 can be simplified, absent wholesale re-
20 structuring or replacement thereof.

21 (d) POWERS OF THE COMMISSION.—

22 (1) IN GENERAL.—The Commission or, on the
23 authorization of the Commission, any subcommittee
24 or member thereof, may, for the purpose of carrying
25 out the provisions of this section, hold such hearings

1 and sit and act at such times and places, take such
2 testimony, receive such evidence, and administer
3 such oaths, as the Commission or such designated
4 subcommittee or designated member may deem ad-
5 visable.

6 (2) CONTRACTING.—The Commission may, to
7 such extent and in such amounts as are provided in
8 appropriation Acts, enter into contracts to enable
9 the Commission to discharge its duties under this
10 section.

11 (3) ASSISTANCE FROM FEDERAL AGENCIES AND
12 OFFICES.—

13 (A) INFORMATION.—The Commission is
14 authorized to secure directly from any executive
15 department, bureau, agency, board, commission,
16 office, independent establishment, or instrumen-
17 tality of the Government, as well as from any
18 committee or other office of the legislative
19 branch, such information, suggestions, esti-
20 mates, and statistics as it requires for the pur-
21 poses of its review and report. Each such de-
22 partment, bureau, agency, board, commission,
23 office, establishment, instrumentality, or com-
24 mittee shall, to the extent not prohibited by
25 law, furnish such information, suggestions, esti-

1 mates, and statistics directly to the Commis-
2 sion, upon request made by the Chair (Co-
3 Chairs, if elected).

4 (B) TREASURY DEPARTMENT.—The Sec-
5 retary of the Treasury is authorized on a non-
6 reimbursable basis to provide the Commission
7 with administrative services, funds, facilities,
8 staff, and other support services for the per-
9 formance of the Commission’s functions.

10 (C) GENERAL SERVICES ADMINISTRA-
11 TION.—The Administrator of General Services
12 shall provide to the Commission on a non-
13 reimbursable basis such administrative support
14 services as the Commission may request.

15 (D) JOINT COMMITTEE ON TAXATION.—
16 The staff of the Joint Committee on Taxation
17 is authorized on a nonreimbursable basis to
18 provide the Commission with such legal, eco-
19 nomic, or policy analysis, including revenue esti-
20 mates, as the Commission may request.

21 (E) OTHER ASSISTANCE.—In addition to
22 the assistance set forth in subparagraphs (A),
23 (B), (C), and (D), departments and agencies of
24 the United States are authorized to provide to
25 the Commission such services, funds, facilities,

1 staff, and other support services as they may
2 deem advisable and as may be authorized by
3 law.

4 (4) POSTAL SERVICES.—The Commission may
5 use the United States mails in the same manner and
6 under the same conditions as departments and agen-
7 cies of the United States.

8 (5) GIFTS.—The Commission may accept, use,
9 and dispose of gifts or donations of services or prop-
10 erty in carrying out its duties under this section.

11 (e) STAFF OF THE COMMISSION.—

12 (1) IN GENERAL.—The Chair (Co-Chairs, if
13 elected), in accordance with rules agreed upon by the
14 Commission, may appoint and fix the compensation
15 of a staff director and such other personnel as may
16 be necessary to enable the Commission to carry out
17 its functions without regard to the provisions of title
18 5, United States Code, governing appointments in
19 the competitive service, and without regard to the
20 provisions of chapter 51 and subchapter III or chap-
21 ter 53 of such title relating to classification and
22 General Schedule pay rates, except that no rate of
23 pay fixed under this subsection may exceed the
24 equivalent of that payable to a person occupying a
25 position at level V of the Executive Schedule under

1 section 5316 of title 5, United States Code. Any
2 Federal Government employee may be detailed to
3 the Commission without reimbursement from the
4 Commission, and such detailee shall retain the
5 rights, status, and privileges of his or her regular
6 employment without interruption.

7 (2) CONSULTANT SERVICES.—The Commission
8 is authorized to procure the services of experts and
9 consultants in accordance with section 3109 of title
10 5, United States Code, but at rates not to exceed the
11 daily rate paid a person occupying a position at level
12 IV of the Executive Schedule under section 5315 of
13 title 5, United States Code.

14 (f) COMPENSATION AND TRAVEL EXPENSES.—

15 (1) COMPENSATION.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), each member of the Com-
18 mission may be compensated at not to exceed
19 the daily equivalent of the annual rate of basic
20 pay in effect for a position at level IV of the
21 Executive Schedule under section 5315 of title
22 5, United States Code, for each day during
23 which that member is engaged in the actual
24 performance of the duties of the Commission.

1 (B) EXCEPTION.—Members of the Com-
2 mission who are officers or employees of the
3 United States or Members of Congress shall re-
4 ceive no additional pay on account of their serv-
5 ice on the Commission.

6 (2) TRAVEL EXPENSES.—While away from
7 their homes or regular places of business in the per-
8 formance of services for the Commission, members
9 of the Commission shall be allowed travel expenses,
10 including per diem in lieu of subsistence, in the
11 same manner as persons employed intermittently in
12 the Government service are allowed expenses under
13 section 5703(b) of title 5, United States Code.

14 (g) REPORT OF THE COMMISSION; TERMINATION.—

15 (1) REPORT.—Not later than 18 months after
16 the date of the first meeting of the Commission, the
17 Commission shall submit a report to the Committee
18 on Ways and Means of the House of Representatives
19 and the Committee on Finance of the Senate. The
20 report of the Commission shall describe the results
21 of its review (as described in subsection (c)(2)), shall
22 make such recommendations for fundamental reform
23 and simplification of the Internal Revenue Code of
24 1986 as the Commission considers appropriate, and
25 shall describe the expected impact of such rec-

1 ommendations on the economy and progressivity and
2 general administrability of the tax laws.

3 (2) TERMINATION.—

4 (A) IN GENERAL.—The Commission, and
5 all the authorities of this section, shall termi-
6 nate on the date which is 90 days after the date
7 on which the report is required to be submitted
8 under paragraph (1).

9 (B) CONCLUDING ACTIVITIES.—The Com-
10 mission may use the 90-day period referred to
11 in subparagraph (A) for the purposes of con-
12 cluding its activities, including providing testi-
13 mony to committees of Congress concerning its
14 report and disseminating that report.

15 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated such sums as may be nec-
17 essary for the activities of the Commission. Until such
18 time as funds are specifically appropriated for such activi-
19 ties, \$2,000,000 shall be available from fiscal year 2002
20 funds appropriated to the Treasury Department, “Depart-
21 mental Offices” account, for the activities of the Commis-
22 sion, to remain available until expended.

23 **SEC. 5. TIMING OF IMPLEMENTATION.**

24 In order to ensure an easy transition and effective
25 implementation, the Congress hereby declares that any

1 new Federal tax system shall be approved by Congress in
2 its final form no later than July 4, 2005. If a new Federal
3 tax system is not so approved by July 4, 2005, then Con-
4 gress shall be required to vote to reauthorize the Internal
5 Revenue Code of 1986.

○