

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5444) TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO MODERNIZE AND IMPROVE THE INTERNAL REVENUE SERVICE, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5445) TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO IMPROVE CYBERSECURITY AND TAXPAYER IDENTITY PROTECTION, AND MODERNIZE THE INFORMATION TECHNOLOGY OF THE INTERNAL REVENUE SERVICE, AND FOR OTHER PURPOSES

APRIL 16, 2018.—Referred to the House Calendar and ordered to be printed

Mr. NEWHOUSE, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 831]

The Committee on Rules, having had under consideration House Resolution 831, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5444, the Taxpayer First Act, and H.R. 5445, the 21st Century IRS Act under closed rules. The resolution provides one hour of debate on each bill equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The resolution waives all points of order against consideration of each bill. The resolution provides that the respective amendments in the nature of a substitute recommended by the Committee on Ways and Means now printed in each bill shall be considered as adopted and each bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in each bill, as amended. The resolution provides each bill one motion to recommit with or without instructions.

The resolution directs the Clerk to, in the engrossment of H.R. 5444, add the text of H.R. 2901, H.R. 5437, H.R. 5438, H.R. 5439, H.R. 5440, H.R. 5443, H.R. 5445, and H.R. 5446, as passed by the House, as a new matter at the end of H.R. 5444 and make technical and conforming modifications in the engrossment. The resolution provides that upon the addition of H.R. 2901, H.R. 5437, H.R. 5438, H.R. 5439, H.R. 5440, H.R. 5443, H.R. 5445, and H.R. 5446, as passed by the House, to the engrossment of H.R. 5444, H.R.

2901, H.R. 5437, H.R. 5438, H.R. 5439, H.R. 5440, H.R. 5443, H.R. 5445, and H.R. 5446 shall be laid on the table.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 5444 includes a waiver of the following:

- Clause 3(d)(1) of rule XIII, requiring the inclusion of a committee cost estimate;
- Clause 3(e)(1) of rule XIII (“Ramseyer”), & clause 12 of rule XXI, requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected; while both waivers are necessary, it is important to note the two requirements are duplicative.
- Section 303 of the Congressional Budget Act, which prohibits consideration of legislation, providing a change in revenues for a fiscal year until the budget resolution for that year has been agreed to; and
- Section 311 of the Congressional Budget Act, which prohibits consideration of legislation that would cause revenues to be less than the level of total revenues for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided.

Although the resolution waives all points of order against provisions in H.R. 5444 as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 5445 includes a waiver of clause 3(d)(1) of rule XIII, requiring the inclusion of a committee cost estimate.

It is important to note that while a Congressional Budget Office (CBO) cost estimate on H.R. 5444 & H.R. 5445 was not available at the time the Committee on Ways and Means filed their reports, a CBO cost estimate has since been made publicly available. Additionally, if the Committee on Ways and Means files supplemental reports, the waivers are no longer necessary.

Although the resolution waives all points of order against provisions in H.R. 5445 as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 199

Motion by Mr. Polis to make in order and provide the appropriate waivers to amendments to H.R. 5444: amendment #2, offered by Rep. Polis (CO), which allows small businesses located in states that have legalized marijuana to utilize tax deductions; amendment #3, offered by Rep. Polis (CO), which inserts the text of H.R. 1089, the KOMBUCHA Act at the end of H.R. 5444; and the amendment #4, offered by Rep. Polis (CO), which inserts the text of H.R. 3708, the Cryptocurrency Tax Fairness Act. Defeated:
4-7

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|-------|-------------------------------|------|
| Mr. Cole | Nay | Mr. McGovern | Yea |
| Mr. Woodall | Nay | Mr. Hastings of Florida | Yea |
| Mr. Burgess | Nay | Mr. Polis | Yea |
| Mr. Collins | Nay | Ms. Torres | Yea |
| Mr. Byrne | | | |
| Mr. Newhouse | Nay | | |
| Mr. Buck | | | |
| Ms. Cheney | Nay | | |
| Mr. Sessions, Chairman | Nay | | |

