

105TH CONGRESS
2D SESSION

H. R. 3214

To amend the Internal Revenue Code of 1986 to provide that property may be seized for the collection of taxes only with the approval of a private, volunteer panel of attorneys, certified public accountants, and enrolled agents.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1998

Mr. McKEON introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide that property may be seized for the collection of taxes only with the approval of a private, volunteer panel of attorneys, certified public accountants, and enrolled agents.

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. LEVY PERMITTED ONLY AFTER APPROVAL OF**
2 **PRIVATE, VOLUNTEER PANEL OF ATTOR-**
3 **NEYS, CERTIFIED PUBLIC ACCOUNTANTS,**
4 **AND ENROLLED AGENTS.**

5 (a) IN GENERAL.—Section 6331 of the Internal Rev-
6 enue Code of 1986 (relating to levy and distraint) is
7 amended by redesignating subsection (i) as subsection (j)
8 and by inserting after subsection (h) the following new
9 subsection:

10 “(i) REQUIREMENT OF APPROVAL BY PRIVATE
11 PANEL BEFORE LEVY.—

12 “(1) IN GENERAL.—Levy may be made under
13 subsection (a) upon the salary or wages or other
14 property of any person with respect to any unpaid
15 tax only after such levy is approved by the levy re-
16 view panel for the internal revenue district in which
17 such levy is to be made.

18 “(2) SCOPE OF REVIEW.—A levy review panel
19 shall approve a levy unless a majority of the mem-
20 bers of the panel determine that—

21 “(A) other means of collecting the unpaid
22 tax (including installment agreements under
23 section 6159) are more appropriate than the
24 levy, or

1 “(B) the Internal Revenue Service has not
2 complied with the requirements of this title or
3 the regulations thereunder relating to levies.

4 “(3) LEVY REVIEW PANEL.—

5 “(A) IN GENERAL.—Each levy review
6 panel shall consist of 3 individuals—

7 “(i) each of whom is an attorney with
8 an expertise in Federal taxation, a certified
9 public accountant, or an enrolled agent,

10 “(ii) at least one of whom is such an
11 attorney, and

12 “(iii) at least one of whom is a cer-
13 tified public accountant.

14 “(B) APPOINTMENT OF MEMBERS.—

15 “(i) IN GENERAL.—The members of
16 the levy review panel for an internal reve-
17 nue district for any period shall be jointly
18 selected by the Internal Revenue Service
19 district director for such district and the
20 appropriate appointing authority from
21 among a pool of attorneys, certified public
22 accountants, and enrolled agents who have
23 been selected jointly by such director and
24 the appropriate appointing authorities.

1 “(ii) APPROPRIATE APPOINTING AU-
2 THORITY.—For purposes of clause (i), the
3 appropriate appointing authority is—

4 “(I) in the case of attorneys, the
5 head of the State bar association for
6 the State in which the panel will sit,

7 “(II) in the case of certified pub-
8 lic accountants, the President and Ex-
9 ecutive Director (jointly) of the Soci-
10 ety of Certified Public Accountants
11 for such State, and

12 “(III) in the case of enrolled
13 agents, the President of the affiliate
14 of the National Association of En-
15 rolled Agents for such State.

16 “(C) PANEL FOR EACH DISTRICT.—A levy
17 review panel shall be appointed for each inter-
18 nal revenue district.

19 “(D) MEETINGS.—The levy review panel
20 for any internal revenue district shall meet at
21 such times as are specified by the Internal Rev-
22 enue Service district director for such district.

23 “(E) MEMBERS TO SERVE WITHOUT COM-
24 PENSATION.—Members of levy review panels
25 shall serve without compensation and shall not

1 be reimbursed for any expense associated with
2 service on any levy review panel.

3 “(4) PROTECTION AGAINST CONFLICTS OF IN-
4 TEREST.—Members of any levy review panel shall be
5 treated as special government employees (as defined
6 in section 202 of title 18, United States Code). The
7 preceding sentence shall not apply for purposes of
8 section 207 of such title.

9 “(5) CLAIMS.—

10 “(A) IN GENERAL.—Members of a levy re-
11 view panel shall have no personal liability under
12 Federal law with respect to any claim arising
13 out of or resulting from an act or omission by
14 such member within the scope of service as a
15 member. The preceding sentence shall not be
16 construed to limit personal liability for criminal
17 acts or omissions, willful or malicious conduct,
18 acts or omissions for private gain, or any other
19 act or omission outside the scope of the service
20 of such member on the levy review panel.

21 “(B) EFFECT ON OTHER LAW.—This para-
22 graph shall not be construed—

23 “(i) to affect any other immunities
24 and protections that may be available to

1 such member under applicable law with re-
2 spect to service on a levy review panel,

3 “(ii) to affect any other right or rem-
4 edy against the United States under appli-
5 cable law, or

6 “(iii) to limit or alter in any way the
7 immunities that are available under appli-
8 cable law for Federal officers and employ-
9 ees.

10 “(6) JEOPARDY.—Paragraph (1) shall not
11 apply to a levy if the Secretary has made a finding
12 under the last sentence of subsection (a) that the
13 collection of tax is in jeopardy.

14 “(7) PROTECTION OF RETURN INFORMATION.—
15 Nothing in this subsection shall be construed to per-
16 mit the disclosure of returns or return information
17 (as defined in section 6103).”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply to levies issued after the date
20 which is 6 months after the date of the enactment of this
21 Act.

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