

105TH CONGRESS
2D SESSION

S. 2211

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

IN THE SENATE OF THE UNITED STATES

JUNE 24, 1998

Mr. ASHCROFT introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

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

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 “Taxpayers’ Defense
5 Act of 1998”.

6 **SEC. 2. MANDATORY CONGRESSIONAL REVIEW.**

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

1 “SUBCHAPTER II—MANDATORY REVIEW OF
2 CERTAIN RULES

3 **“§ 815. Rules subject to mandatory congressional re-**
4 **view**

5 “A rule that establishes or increases a tax, however
6 denominated, shall not take effect before the date of the
7 enactment of a bill described in section 816 and is not
8 subject to review under subchapter I. This section does
9 not apply to a rule promulgated under the Internal Reve-
10 nue Code of 1986.

11 **“§ 816. Agency submission**

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

21 **“§ 817. Approval bill**

22 “(a)(1) Not later than 3 legislative days after the
23 date on which an agency submits a report under section
24 816, the Majority Leader of each House of Congress shall
25 introduce (by request) a bill the matter after the enacting

1 clause of which is as follows: “The following agency rule
2 is approved and shall have the force and effect of law:”.
3 The text of the agency rule submitted under section 816
4 shall be set forth after the colon. If such a bill is not intro-
5 duced in a House of Congress as provided in the first sen-
6 tence of this subsection, any Member of that House may
7 introduce such a bill not later than 7 legislative days after
8 the period for introduction by the Majority Leader.

9 “(2) A bill introduced under paragraph (1) shall be
10 referred to the Committees in each House of Congress
11 with jurisdiction over the subject matter of the rule in-
12 volved.

13 “(b)(1)(A) Any committee of the House of Represent-
14 atives to which a bill is referred shall report it without
15 amendment, and with or without recommendation, not
16 later than the 30th calendar day of session after the date
17 of its introduction. If any committee fails to report the
18 bill within that period, it is in order to move that the
19 House discharge the committee from further consideration
20 of the bill. A motion to discharge may be made only by
21 a Member favoring the bill (but only at a time designated
22 by the Speaker on the legislative day after the calendar
23 day on which the Member offering the motion announces
24 to the House his intention to do so and the form of the
25 motion). The motion is highly privileged. Debate thereon

1 shall be limited to not more than one hour, the time to
2 be divided in the House equally between the proponent and
3 an opponent. The previous question shall be considered as
4 ordered on the motion to its adoption without intervening
5 motion. A motion to reconsider the vote by which the mo-
6 tion is agreed to or disagreed to shall not be in order.

7 “(B) After a bill is reported or a committee has been
8 discharged from further consideration, it is in order to
9 move that the House resolve into the Committee of the
10 Whole House on the State of the Union for consideration
11 of the bill. If reported and the report has been available
12 for at least one calendar day, all points of order against
13 the bill and against consideration of the bill are waived.
14 If discharged, all points of order against the bill and
15 against consideration of the bill are waived. The motion
16 is highly privileged. A motion to reconsider the vote by
17 which the motion is agreed to or disagreed to shall not
18 be in order. During consideration of the bill in the Com-
19 mittee of the Whole, the first reading of the bill shall be
20 dispensed with. General debate shall proceed, shall be con-
21 fined to the bill, and shall not exceed one hour equally
22 divided and controlled by a proponent and an opponent
23 of the bill. After general debate, the bill shall be considered
24 as read for amendment under the five-minute rule. At the
25 conclusion of the consideration of the bill, the Committee

1 shall rise and report the bill to the House without inter-
2 vening motion. The previous question shall be considered
3 as ordered on the bill to final passage without intervening
4 motion. A motion to reconsider the vote on passage of the
5 bill shall not be in order.

6 “(C) Appeals from decisions of the Chair regarding
7 application of the rules of the House of Representatives
8 to the procedure relating to a bill shall be decided without
9 debate.

10 “(2)(A) Any bill introduced in the Senate shall be re-
11 ferred to the appropriate committee or committees. A com-
12 mittee to which a bill has been referred shall report the
13 bill without amendment not later than the 30th day of
14 session following the date of introduction of that bill. If
15 any committee fails to report the bill within that period,
16 that committee shall be automatically discharged from fur-
17 ther consideration of the bill and the bill shall be placed
18 on the Calendar.

19 “(B) When the Senate receives from the House of
20 Representatives a bill, such bill shall not be referred to
21 committee and shall be placed on the Calendar.

22 “(C) A motion to proceed to consideration of a bill
23 under this subsection shall not be debatable. It shall not
24 be in order to move to reconsider the vote by which the
25 motion to proceed was adopted or rejected, although sub-

1 sequent motions to proceed may be made under this para-
2 graph.

3 “(D)(i) After no more than 10 hours of consideration
4 of a bill, the Senate shall proceed, without intervening ac-
5 tion or debate (except as permitted under subparagraph
6 (F)), to vote on the final disposition thereof to the exclu-
7 sion of all motions, except a motion to reconsider or to
8 table.

9 “(ii) A single motion to extend the time for consider-
10 ation under clause (i) for no more than an additional 5
11 hours is in order before the expiration of such time and
12 shall be decided without debate.

13 “(iii) The time for debate on the disapproval bill shall
14 be equally divided between the Majority Leader and the
15 Minority Leader or their designees.

16 “(E) A motion to recommit a bill shall not be in
17 order.

18 “(F) If the Senate has read for the third time a bill
19 that originated in the Senate, then it shall be in order
20 at any time thereafter to move to proceed to the consider-
21 ation of a bill for the same special message received from
22 the House of Representatives and placed on the Calendar
23 pursuant to subparagraph (B), strike all after the enact-
24 ing clause, substitute the text of the Senate bill, agree to
25 the Senate amendment, and vote on final disposition of

1 the House bill, all without any intervening action or de-
 2 bate.

3 “(G) Consideration in the Senate of all motions,
 4 amendments, or appeals necessary to dispose of a message
 5 from the House of Representatives on a bill shall be lim-
 6 ited to not more than 4 hours. Debate on each motion
 7 or amendment shall be limited to 30 minutes. Debate on
 8 any appeal or point of order that is submitted in connec-
 9 tion with the disposition of the House message shall be
 10 limited to 20 minutes. Any time for debate shall be equally
 11 divided and controlled by the proponent and the majority
 12 manager, unless the majority manager is a proponent of
 13 the motion, amendment, appeal, or point of order, in
 14 which case the minority manager shall be in control of
 15 the time in opposition.

16 **“§ 818. Congressional rulemaking power**

17 “This subchapter is enacted by Congress—

18 “(1) as an exercise of the rulemaking power of
 19 the Senate and House of Representatives, respec-
 20 tively, and as such it is deemed a part of the rules
 21 of each House, respectively, but applicable only with
 22 respect to the procedure to be followed in that
 23 House in the case of a bill described in section 817
 24 and it supersedes other rules only to the extent that
 25 it is inconsistent with such rules; and

1 “(2) with full recognition of the constitutional
 2 right of either House to change the rules (so far as
 3 relating to the procedure of that House) at any time,
 4 in the same manner, and to the same extent as in
 5 the case of any other rule of that House.”.

6 **SEC. 3. TECHNICAL AMENDMENTS.**

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

10 “SUBCHAPTER I—DISCRETIONARY
 11 CONGRESSIONAL REVIEW”.

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

“SUBCHAPTER I—DISCRETIONARY CONGRESSIONAL REVIEW”

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

“SUBCHAPTER II—MANDATORY REVIEW OF CERTAIN RULES

“815. Rules subject to mandatory Congressional review.

“816. Agency submission.

“817. Approval bill.

“818. Congressional rulemaking power.”.

17 **SEC. 4. FEDERAL COMMUNICATION COMMISSION RULES**
 18 **RELATING TO UNIVERSAL SERVICE.**

19 (a) **DEFINITION.**—In this section, the term “rule”
 20 has the meaning given such term under section 551(1) of
 21 title 5, United States Code.

1 (b) SUBMISSION OF RULES.—Not later than 30 days
 2 after the date of enactment of this Act, the Federal Com-
 3 munications Commission shall submit a report described
 4 under section 816 of title 5, United States Code (as added
 5 by section 2 of this Act) for each rule that—

6 (1) was promulgated by the Federal Commu-
 7 nications commission under section 254(h) of the
 8 Communications Act of 1934 (47 U.S.C. 254(h)) be-
 9 fore the date of enactment of this Act; and

10 (2) is in effect on the date of enactment of this
 11 Act or will take effect after such date of enactment.

12 (c) APPROVAL BILL.—Section 817 of title 5, United
 13 States Code (as added by section 2 of this Act) shall apply
 14 with respect to each rule described under subsection (b),
 15 except—

16 (1) during the 60-day period beginning on the
 17 date on which an approval bill is introduced under
 18 section 817 of such title, the applicable rule shall re-
 19 main in effect or take effect, as if this section had
 20 not been enacted; and

21 (2) if an approval bill is not enacted during
 22 such 60-day period, the applicable rule shall have no
 23 force or effect after such 60-day period.

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