

106TH CONGRESS
1ST SESSION

H. R. 2636

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

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1999

Mr. GEKAS (for himself, Mr. HAYWORTH, Mr. BACHUS, Mr. BALLENGER, Mr. BARCIA, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CHABOT, Mr. COLLINS, Mr. DELAY, Mr. DEMINT, Mr. DICKEY, Mr. EHRLICH, Mrs. EMERSON, Mr. EVERETT, Mr. GOODLATTE, Mr. GUTKNECHT, Mr. HERGER, Mr. HOSTETTLER, Mr. ISAKSON, Mr. LARGENT, Mr. LEWIS of California, Mr. MANZULLO, Mr. METCALF, Mr. MICA, Mrs. NORTHUP, Mr. PITTS, Mr. ROGAN, Mr. SALMON, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAFER, Mr. SHADEGG, Mr. SMITH of Texas, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mr. TERRY, Mr. WATTS of Oklahoma, Mr. COBLE, Mr. LAHOOD, Mr. FOSSELLA, Mr. DEAL of Georgia, Mr. TANCREDO, Mr. HANSEN, Mr. ARMEY, Mr. BAKER, Mr. LEWIS of Kentucky, Mr. ROYCE, Mr. SOUDER, Mr. SWEENEY, Mr. REYNOLDS, Mr. MCCOLLUM, Mr. STEARNS, Mr. CUNNINGHAM, Mr. SAM JOHNSON of Texas, Mr. DOOLITTLE, Mrs. KELLY, Mr. LINDER, Mr. BRYANT, Mr. KINGSTON, Mr. GIBBONS, Mr. JONES of North Carolina, Mrs. MYRICK, Ms. DUNN, Mr. TIAHRT, Mr. BONILLA, Mr. TAYLOR of North Carolina, Mr. HILLEARY, Mrs. BONO, Mr. GARY MILLER of California, Mr. ENGLISH, Mrs. CUBIN, Mr. SESSIONS, Mr. ADERHOLT, Mr. WATKINS, and Mr. FLETCHER) 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Taxpayer’s Defense
 5 Act”.

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:

9 “SUBCHAPTER II—MANDATORY REVIEW OF
 10 CERTAIN RULES
 11 **“§ 815. Rules Subject to Mandatory Congressional Re-**
 12 **view**

13 “A rule that establishes or increases a tax, however
 14 denominated, shall not take effect before the date of the
 15 enactment of a bill described in section 816 and is not
 16 subject to review under subchapter I. This section does
 17 not apply to a rule promulgated under the Internal Rev-
 18 enue Code of 1986. For purposes of this section, the term
 19 ‘tax’ means a non-penal, mandatory payment of money or
 20 its equivalent to the extent such payment does not com-
 21 pensate the Federal Government or other payee for a spe-
 22 cific benefit conferred directly on the payer.

23 **“§ 816. Agency Submission**

24 “Whenever an agency promulgates a rule subject to
 25 section 815, the agency shall submit to each House of

1 Congress a report containing the text of only the part of
2 the rule that causes the rule to be subject to section 815
3 and an explanation of it. An agency shall submit such a
4 report separately for each such rule it promulgates. The
5 explanation shall consist of the concise general statement
6 of the rule's basis and purpose required by section 553
7 and such explanatory documents as are mandated by other
8 statutory requirements.

9 **“§ 817. Approval Bill**

10 “(a) INTRODUCTION AND REFERRAL.—

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

24 “(2) REFERRAL.—A bill introduced under para-
25 graph (1) shall be referred to the Committees in

1 each House of Congress with jurisdiction over the
2 subject matter of the rule involved.

3 “(b) PROCEDURE.—

4 “(1) CONSIDERATION IN THE HOUSE OF REP-
5 REPRESENTATIVES.—

6 “(A) COMMITTEE OR MEMBER ACTION.—

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

1 sidered as ordered on the motion to its adoption
2 without intervening motion. A motion to recon-
3 sider the vote by which the motion is agreed to
4 or disagreed to shall not be in order.

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

1 considered as read for amendment under the
2 five-minute rule. At the conclusion of the con-
3 sideration of the bill, the Committee shall rise
4 and report the bill to the House without inter-
5 vening motion. The previous question shall be
6 considered as ordered on the bill to final pas-
7 sage without intervening motion. A motion to
8 reconsider the vote on passage of the bill shall
9 not be in order.

10 “(C) APPEALS.—Appeals from decisions of
11 the Chair regarding application of the rules of
12 the House of Representatives to the procedure
13 relating to a bill shall be decided without de-
14 bate.

15 “(2) CONSIDERATION IN THE SENATE.—

16 “(A) REFERRAL AND REPORTING.—Any
17 bill introduced in the Senate shall be referred to
18 the appropriate committee or committees. A
19 committee to which a bill has been referred
20 shall report the bill without amendment not
21 later than the 30th day of session following the
22 date of introduction of that bill. If any com-
23 mittee fails to report the bill within that period,
24 that committee shall be automatically dis-

1 charged from further consideration of the bill
2 and the bill shall be placed on the Calendar.

3 “(B) BILL FROM HOUSE.—When the Sen-
4 ate receives from the House of Representatives
5 a bill, such bill shall not be referred to com-
6 mittee and shall be placed on the Calendar.

7 “(C) MOTION NONDEBATABLE.—A motion
8 to proceed to consideration of a bill under this
9 subsection shall not be debatable. It shall not
10 be in order to move to reconsider the vote by
11 which the motion to proceed was adopted or re-
12 jected, although subsequent motions to proceed
13 may be made under this paragraph.

14 “(D) LIMIT ON CONSIDERATION.—

15 “(i) VOTE.—After no more than 10
16 hours of consideration of a bill, the Senate
17 shall proceed, without intervening action or
18 debate (except as permitted under sub-
19 paragraph (F)), to vote on the final dis-
20 position thereof to the exclusion of all mo-
21 tions, except a motion to reconsider or to
22 table.

23 “(ii) MOTION TO EXTEND.—A single
24 motion to extend the time for consideration
25 under clause (i) for no more than an addi-

1 tional 5 hours is in order before the expira-
2 tion of such time and shall be decided
3 without debate.

4 “(iii) TIME FOR DEBATE.—The time
5 for debate on the disapproval bill shall be
6 equally divided between the Majority Lead-
7 er and the Minority Leader or their des-
8 ignees.

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

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

23 “(G) CONSIDERATION OF HOUSE MES-
24 SAGE.—Consideration in the Senate of all mo-
25 tions, amendments, or appeals necessary to dis-

1 pose of a message from the House of Rep-
2 representatives on a bill shall be limited to not
3 more than 4 hours. Debate on each motion or
4 amendment shall be limited to 30 minutes. De-
5 bate on any appeal or point of order that is
6 submitted in connection with the disposition of
7 the House message shall be limited to 20 min-
8 utes. Any time for debate shall be equally di-
9 vided and controlled by the proponent and the
10 majority manager, unless the majority manager
11 is a proponent of the motion, amendment, ap-
12 peal, or point of order, in which case the minor-
13 ity manager shall be in control of the time in
14 opposition.”.

15 **SEC. 3. TECHNICAL AMENDMENTS.**

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

19 “SUBCHAPTER I—DISCRETIONARY
20 CONGRESSIONAL REVIEW”.

21 (b) **REFERENCE.**—Section 804 of title 5, United
22 States Code, is amended by striking “this chapter” and
23 inserting “this subchapter”.

1 (c) TABLE OF SECTIONS.—The table of sections for
2 chapter 8 of title 5, United States Code, is amended by
3 inserting before the reference to section 801 the following:

“SUBCHAPTER I—DISCRETIONARY CONGRESSIONAL REVIEW”

4 and by inserting after the reference to section 808 the fol-
5 lowing:

“SUBCHAPTER II—MANDATORY REVIEW OF CERTAIN RULES

“815. Rules subject to mandatory Congressional review.

“816. Agency submission.

“817. Approval bill.”.

