

106TH CONGRESS  
1ST SESSION

# S. 1466

To amend chapter 8 of title 5, United States Code, to provide for congressional review of rules establishing or increasing taxes.

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IN THE SENATE OF THE UNITED STATES

JULY 29, 1999

Mr. THOMPSON (for himself and Mr. ASHCROFT) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To amend chapter 8 of 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:

1 “SUBCHAPTER II—MANDATORY REVIEW OF  
2 CERTAIN RULES

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

5 “(a) In this section, the term ‘tax’ means a non-  
6 penal, mandatory payment of money or its equivalent to  
7 the extent such payment does not compensate the Federal  
8 Government or other payee for a specific benefit conferred  
9 directly on the payer.

10 “(b) A rule that establishes or increases a tax, how-  
11 ever denominated, shall not take effect before the date of  
12 the enactment of a bill described in section 816 and is  
13 not subject to review under subchapter I. This section does  
14 not apply to a rule promulgated under the Internal Rev-  
15 enue Code of 1986.

16 **“§ 816. Agency submission**

17 “Whenever an agency promulgates a rule subject to  
18 section 815, the agency shall submit to each House of  
19 Congress a report containing the text of only the part of  
20 the rule that causes the rule to be subject to section 815  
21 and an explanation of that part. An agency shall submit  
22 such a report separately for each such rule the agency pro-  
23 mulgates. The explanation shall consist of the concise gen-  
24 eral statement of the rule’s basis and purpose required

1 under section 553 and such explanatory documents as are  
2 mandated by other statutory requirements.

3 **“§ 817. Approval bill**

4 “(a)(1) Not later than 3 legislative days after the  
5 date on which an agency submits a report under section  
6 816, the Majority Leader of each House of Congress shall  
7 introduce (by request) a bill the matter after the enacting  
8 clause of which is as follows: ‘The following agency rule  
9 may take effect:’. The text submitted under section 816  
10 shall be set forth after the colon. If such a bill is not intro-  
11 duced in a House of Congress as provided in the first sen-  
12 tence of this subsection, any Member of that House may  
13 introduce such a bill not later than 7 legislative days after  
14 the period for introduction by the Majority Leader.

15 “(2) A bill introduced under paragraph (1) shall be  
16 referred to the Committees in each House of Congress  
17 with jurisdiction over the subject matter of the rule in-  
18 volved.

19 “(b)(1)(A) Any committee of the House of Represent-  
20 atives to which a bill is referred shall report the bill with-  
21 out amendment, and with or without recommendation, not  
22 later than the 30th calendar day of session after the date  
23 of its introduction. If any committee fails to report the  
24 bill within that period, it is in order to move that the  
25 House discharge the committee from further consideration

1 of the bill. A motion to discharge may be made only by  
2 a Member favoring the bill (but only at a time designated  
3 by the Speaker on the legislative day after the calendar  
4 day on which the Member offering the motion announces  
5 to the House that Member's intention to do so and the  
6 form of the motion). The motion is highly privileged. De-  
7 bate thereon shall be limited to not more than 1 hour,  
8 the time to be divided in the House equally between the  
9 proponent and an opponent. The previous question shall  
10 be considered as ordered on the motion to its adoption  
11 without intervening motion. A motion to reconsider the  
12 vote by which the motion is agreed to or disagreed to shall  
13 not be in order.

14       “(B) After a bill is reported or a committee has been  
15 discharged from further consideration, it is in order to  
16 move that the House resolve into the Committee of the  
17 Whole House on the State of the Union for consideration  
18 of the bill. If reported and the report has been available  
19 for at least 1 calendar day, all points of order against the  
20 bill and against consideration of the bill are waived. If dis-  
21 charged, all points of order against the bill and against  
22 consideration of the bill are waived. The motion is highly  
23 privileged. A motion to reconsider the vote by which the  
24 motion is agreed to or disagreed to shall not be in order.  
25 During consideration of the bill in the Committee of the

1 Whole, the first reading of the bill shall be dispensed with.  
2 General debate shall proceed, shall be confined to the bill,  
3 and shall not exceed 1 hour equally divided and controlled  
4 by a proponent and an opponent of the bill. After general  
5 debate, the bill shall be considered as read for amendment  
6 under the 5-minute rule. At the conclusion of the consider-  
7 ation of the bill, the Committee shall rise and report the  
8 bill to the House without intervening motion. The previous  
9 question shall be considered as ordered on the bill to final  
10 passage without intervening motion. A motion to recon-  
11 sider the vote on passage of the bill shall not be in order.

12 “(C) Appeals from decisions of the Chair regarding  
13 application of the rules of the House of Representatives  
14 to the procedure relating to a bill shall be decided without  
15 debate.

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

1       “(B) When the Senate receives from the House of  
2 Representatives a bill, such bill shall not be referred to  
3 committee and shall be placed on the calendar.

4       “(C) A motion to proceed to consideration of a bill  
5 under this subsection shall not be debatable. It shall not  
6 be in order to move to reconsider the vote by which the  
7 motion to proceed was adopted or rejected, although sub-  
8 sequent motions to proceed may be made under this para-  
9 graph.

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

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

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

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

1       “(F) If the Senate has read for the third time a bill  
2 that originated in the Senate, then it shall be in order  
3 at any time thereafter to move to proceed to the consider-  
4 ation of a bill for the same special message received from  
5 the House of Representatives and placed on the calendar  
6 under subparagraph (B), strike all after the enacting  
7 clause, substitute the text of the Senate bill, agree to the  
8 Senate amendment, and vote on final disposition of the  
9 House bill, all without any intervening action or debate.

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

1 **SEC. 3. TECHNICAL AMENDMENTS.**

2 (a) **SUBCHAPTER HEADING.**—Chapter 8 of title 5,  
3 United States Code, is amended by inserting before sec-  
4 tion 801 the following:

5 “SUBCHAPTER I—DISCRETIONARY  
6 CONGRESSIONAL REVIEW”.

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

“SUBCHAPTER I—DISCRETIONARY CONGRESSIONAL REVIEW”;

10 and by inserting after the reference to section 808 the fol-  
11 lowing:

“SUBCHAPTER II—MANDATORY REVIEW OF CERTAIN RULES

“815. Rules subject to mandatory congressional review.

“816. Agency submission.

“817. Approval bill.”.

12 (c) **REFERENCE.**—Section 804 of title 5, United  
13 States Code, is amended by striking “this chapter” and  
14 inserting “this subchapter”.

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