

118TH CONGRESS
1ST SESSION

S. 2981

To require review of tax regulatory actions by the Office of Information and Regulatory Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2023

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

A BILL

To require review of tax regulatory actions by the Office of Information and Regulatory Affairs, 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 “IRS Accountability and
5 Transparency Act”.

6 **SEC. 2. OIRA REVIEW OF TAX REGULATORY ACTIONS.**

7 Section 553 of title 5, United States Code, is amend-
8 ed by adding at the end the following:

9 “(f)(1) In this subsection—

1 “(A) the term ‘regulatory action’ means
2 any substantive action by an agency (normally
3 published in the Federal Register) that promul-
4 gates or is expected to lead to the promulgation
5 of a final rule, including notices of inquiry, ad-
6 vance notices of proposed rulemaking, and no-
7 tices of proposed rulemaking; and

8 “(B) the term ‘tax regulatory action’
9 means a regulatory action issued by the Inter-
10 nal Revenue Service, whether pursuant to the
11 Internal Revenue Code of 1986 or with respect
12 to any other United States Federal income, ex-
13 cise, estate, gift, or employment tax, that
14 may—

15 “(i) create a serious consistency or
16 otherwise interfere with an action taken or
17 planned by another agency;

18 “(ii) raise novel legal or policy issues,
19 such as by prescribing a rule of conduct
20 backed by an assessable payment; or

21 “(iii) have an annual non-revenue ef-
22 fect on the economy of \$100,000,000 or
23 more, measured against a no-action base-
24 line.

1 “(2) Each tax regulatory action shall be subject to
2 review by the Office of Information and Regulatory Af-
3 fairs, including compliance under section 6 of Executive
4 Order 12866 (5 U.S.C. 601 note; relating to regulatory
5 planning and review).”.

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