



(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. 5349

To amend the Internal Revenue Code of 1986 to improve services provided to taxpayers by the Internal Revenue Service by providing greater judicial review.

IN THE HOUSE OF REPRESENTATIVES

Mr. MORAN introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Internal Revenue Code of 1986 to improve services provided to taxpayers by the Internal Revenue Service by providing greater judicial review.

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; ETC.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Tax Court Improvement Act”.

6 (b) AMENDMENT OF 1986 CODE.—Except as other-
7 wise expressly provided, whenever in this Act an amend-
8 ment is expressed in terms of an amendment to a section

1 or other provision, the reference shall be considered to be
2 made to a section or other provision of the Internal Rev-
3 enue Code of 1986.

4 (c) REFERENCES TO SECRETARY.—For purposes of
5 this Act, the term “Secretary” means the Secretary of the
6 Treasury or the Secretary’s delegate.

7 (d) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; etc.

Sec. 2. Authorization of subpoenas before hearings to facilitate settlements.

Sec. 3. Authorization of special trial judges to hear additional cases and ad-
dress contempt.

Sec. 4. Disqualification of judges and special trial judges.

Sec. 5. Clarification of Tax Court jurisdiction to apply equitable tolling in defi-
ciency cases.

9 **SEC. 2. AUTHORIZATION OF SUBPOENAS BEFORE HEAR-**
10 **INGS TO FACILITATE SETTLEMENTS.**

11 Section 7456(a) is amended to read as follows:

12 “(a) IN GENERAL.—

13 “(1) ADMINISTRATION OF OATHS.—For the ef-
14 ficient administration of the functions vested in the
15 Tax Court or any division thereof, any judge or spe-
16 cial trial judge, the clerk or the clerk’s deputies, as
17 such, or any other employee of the Tax Court des-
18 ignated in writing for the purpose by the chief judge,
19 may administer oaths or affirmations.

20 “(2) SUBPOENA AUTHORITY.—Any judge or
21 special trial judge may examine witnesses and re-
22 quire, by subpoena ordered by the Tax Court or any

1 division thereof and signed by the judge or special
2 trial judge (or by the clerk of the Tax Court or by
3 any other employee of the Tax Court when acting as
4 deputy clerk), any of the following:

5 “(A) The attendance of parties or wit-
6 nesses.

7 “(B) The production of books, papers, doc-
8 uments, electronically stored information, or
9 tangible things from any place in the United
10 States by any party or witness having custody
11 or control thereof for purposes of discovery or
12 for use of the things produced as evidence in
13 accordance with the rules and orders of the Tax
14 Court.

15 Any such subpoena shall be issued and served, and
16 compliance therewith shall be compelled, as provided
17 in the rules and orders of the Tax Court.

18 “(3) DEPOSITIONS.—Pursuant to rules and or-
19 ders of the Court, the deposition of a witness may
20 be taken before any designated individual competent
21 to administer oaths under this title. Any deposition
22 testimony shall be reduced to writing by the indi-
23 vidual taking the deposition, or under such individ-
24 ual’s direction, and shall be subscribed by the depo-
25 nent.”.

1 **SEC. 3. AUTHORIZATION OF SPECIAL TRIAL JUDGES TO**
2 **HEAR ADDITIONAL CASES AND ADDRESS**
3 **CONTEMPT.**

4 (a) CONSENT TO ASSIGNMENT.—Section 7443A(b) is
5 amended by striking “and” at the end of paragraph (6),
6 by redesignating paragraph (7) as paragraph (8), and by
7 inserting after paragraph (6) the following new paragraph:

8 “(7) upon the consent of the parties, and pur-
9 suant to rules promulgated by the Tax Court, any
10 proceeding not described in paragraphs (1) through
11 (6), and”, and

12 (b) AUTHORIZING SPECIAL TRIAL JUDGE.—Section
13 7443A(c) is amended by striking “or (6)” and inserting
14 “(6), or (7)”.

15 (c) CONTEMPT AUTHORITY.—Section 7443A is
16 amended by adding at the end the following new sub-
17 section:

18 “(f) INCIDENTAL POWERS.—A special trial judge ap-
19 pointed under this section shall have the power to punish
20 for contempt of the authority of the Tax Court as provided
21 in section 7456(c), except the sentence imposed by such
22 a special trial judge for any contempt shall not exceed the
23 penalties for a Class C misdemeanor as set forth in sec-
24 tions 3571(b)(6) and 3581(b)(8) of title 18, United States
25 Code. This subsection shall not be construed to limit the
26 authority of a special trial judge to order sanctions under

1 any other statute or any rule of the Tax Court prescribed
2 pursuant to section 7453.”.

3 (d) **EFFECTIVE DATE.**—The amendment made by
4 subsections (a) and (b) shall take effect on the date the
5 United States Tax Court adopts rules implementing the
6 consent procedures of section 7443A.

7 **SEC. 4. DISQUALIFICATION OF JUDGES AND SPECIAL**
8 **TRIAL JUDGES.**

9 (a) **IN GENERAL.**—Part II of subchapter C of chap-
10 ter 76 is amended by adding at the end the following new
11 section:

12 **“SEC. 7467. DISQUALIFICATION OF JUDGE OR SPECIAL**
13 **TRIAL JUDGE.**

14 “Section 455 of title 28, United States Code, shall
15 apply to judges, special trial judges, and proceedings of
16 the Tax Court.”.

17 (b) **CLERICAL AMENDMENT.**—The table of sections
18 for such part is amended by adding at the end the fol-
19 lowing new item:

“Sec. 7467. Disqualification of judge or special trial judge.”.

20 **SEC. 5. CLARIFICATION OF TAX COURT JURISDICTION TO**
21 **APPLY EQUITABLE TOLLING IN DEFICIENCY**
22 **CASES.**

23 (a) **IN GENERAL.**—Section 7451(b) is amended to
24 read as follows:

25 “(b) **TOLLING OF TIME.**—

1 “(1) IN GENERAL.—The Tax Court shall have
2 jurisdiction to toll the period for filing a petition
3 under section 6213(a) in cases in which the Tax
4 Court determines based on the facts and cir-
5 cumstances that equity warrants such tolling.

6 “(2) RULES FOR INACCESSIBLE FILING LOCA-
7 TIONS.—

8 “(A) IN GENERAL.—Notwithstanding any
9 other provision of this title, in any case (includ-
10 ing by reason of a lapse in appropriations) in
11 which a filing location is inaccessible or other-
12 wise unavailable to the general public on the
13 date a petition is due, the relevant time period
14 for filing such petition shall be tolled for the
15 number of days within the period of inaccess-
16 sibility plus an additional 14 days.

17 “(B) FILING LOCATION.—For purposes of
18 this paragraph, the term ‘filing location’
19 means—

20 “(i) the office of the clerk of the Tax
21 Court, or

22 “(ii) any on-line portal made available
23 by the Tax Court for electronic filing of
24 petitions.”.

1 (b) CONFORMING AMENDMENT.—Section 7459(d) is
2 amended—

3 (1) by striking “If a petition” and inserting the
4 following:

5 “(1) IN GENERAL.—If a petition”, and

6 (2) by adding at the end the following new
7 paragraph:

8 “(2) EXCEPTION.—Paragraph (1) shall not
9 apply with respect to any dismissal which is solely
10 based on a determination of the Tax Court not to
11 toll the period for filing a petition under section
12 6213(a).”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this subsection shall apply to filings made after the date
15 of the enactment of this Act.

16 (d) NO INFERENCE.—The amendment made by sub-
17 sections (a) shall not be construed to create any inference
18 with respect to the jurisdiction of the Tax Court with re-
19 spect to any petition filed on or before the date of the
20 enactment of this Act.