

107TH CONGRESS
2D SESSION

H. R. 5763

To amend the Internal Revenue Code of 1986 to provide fairness in tax collection procedures and improved administrative efficiency and confidentiality and to reform its penalty and interest provisions.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 2002

Mr. THOMAS introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide fairness in tax collection procedures and improved administrative efficiency and confidentiality and to reform its penalty and interest provisions.

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 Administration Reform Act of 2002”.

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

1 to, or repeal of, a section or other provision, the reference
 2 shall be considered to be made to a section or other provi-
 3 sion of the Internal Revenue Code of 1986.

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1 **TITLE I—FAIRNESS IN TAX** 2 **COLLECTION PROCEDURES**

3 **SEC. 101. PARTIAL PAYMENT OF TAX LIABILITY IN IN-** 4 **STALLMENT AGREEMENTS.**

5 (a) IN GENERAL.—

6 (1) Section 6159(a) (relating to authorization
7 of agreements) is amended—

8 (A) by striking “satisfy liability for pay-
9 ment of” and inserting “make payment on”,
10 and

11 (B) by inserting “full or partial” after “fa-
12 cilitate”.

13 (2) Section 6159(c) (relating to Secretary re-
14 quired to enter into installment agreements in cer-
15 tain cases) is amended in the matter preceding para-
16 graph (1) by inserting “full” before “payment”.

17 (b) REQUIREMENT TO REVIEW PARTIAL PAYMENT
18 AGREEMENTS EVERY TWO YEARS.—Section 6159 is
19 amended by redesignating subsections (d) and (e) as sub-

1 sections (e) and (f), respectively, and inserting after sub-
 2 section (c) the following new subsection:

3 “(d) SECRETARY REQUIRED TO REVIEW INSTALL-
 4 MENT AGREEMENTS FOR PARTIAL COLLECTION EVERY
 5 TWO YEARS.—In the case of an agreement entered into
 6 by the Secretary under subsection (a) for partial collection
 7 of a tax liability, the Secretary shall review the agreement
 8 at least once every 2 years.”.

9 (c) EFFECTIVE DATE.—The amendments made by
 10 this section shall apply to agreements entered into on or
 11 after the date of the enactment of this Act.

12 **SEC. 102. EXTENSION OF TIME FOR RETURN OF PROPERTY.**

13 (a) EXTENSION OF TIME FOR RETURN OF PROPERTY
 14 SUBJECT TO LEVY.—Subsection (b) of section 6343 (re-
 15 lating to return of property) is amended by striking “9
 16 months” and inserting “2 years”.

17 (b) PERIOD OF LIMITATION ON SUITS.—Subsection
 18 (c) of section 6532 (relating to suits by persons other than
 19 taxpayers) is amended—

20 (1) in paragraph (1) by striking “9 months”
 21 and inserting “2 years”, and

22 (2) in paragraph (2) by striking “9-month” and
 23 inserting “2-year”.

24 (c) EFFECTIVE DATE.—The amendments made by
 25 this section shall apply to—

1 (1) levies made after the date of the enactment
2 of this Act, and

3 (2) levies made on or before such date if the 9-
4 month period has not expired under section 6343(b)
5 of the Internal Revenue Code of 1986 (without re-
6 gard to this section) as of such date.

7 **SEC. 103. INDIVIDUALS HELD HARMLESS ON WRONGFUL**
8 **LEVY, ETC., ON INDIVIDUAL RETIREMENT**
9 **PLAN.**

10 (a) IN GENERAL.—Section 6343 (relating to author-
11 ity to release levy and return property) is amended by add-
12 ing at the end the following new subsection:

13 “(f) INDIVIDUALS HELD HARMLESS ON WRONGFUL
14 LEVY, ETC., ON INDIVIDUAL RETIREMENT PLAN.—

15 “(1) IN GENERAL.—If the Secretary determines
16 that an individual retirement plan has been levied
17 upon in a case to which subsection (b) or (d)(2)(A)
18 applies, an amount equal to the sum of—

19 “(A) the amount of money returned by the
20 Secretary on account of such levy, and

21 “(B) interest paid under subsection (c) on
22 such amount of money,
23 may be deposited into an individual retirement plan
24 (other than an endowment contract) to which a roll-
25 over from the plan levied upon is permitted.

1 “(2) TREATMENT AS ROLLOVER.—The distribu-
2 tion on account of the levy and any deposit under
3 paragraph (1) with respect to such distribution shall
4 be treated for purposes of this title as if such dis-
5 tribution and deposit were part of a rollover de-
6 scribed in section 408(d)(3)(A)(i); except that—

7 “(A) interest paid under subsection (c)
8 shall be treated as part of such distribution and
9 as not includible in gross income,

10 “(B) the 60-day requirement in such sec-
11 tion shall be treated as met if the deposit is
12 made not later than the 60th day after the day
13 on which the individual receives an amount
14 under paragraph (1) from the Secretary, and

15 “(C) such deposit shall not be taken into
16 account under section 408(d)(3)(B).

17 “(3) REFUND, ETC., OF INCOME TAX ON
18 LEVY.—If any amount is includible in gross income
19 for a taxable year by reason of a levy referred to in
20 paragraph (1) and any portion of such amount is
21 treated as a rollover under paragraph (2), any tax
22 imposed by chapter 1 on such portion shall not be
23 assessed, and if assessed shall be abated, and if col-
24 lected shall be credited or refunded as an overpay-

1 ment made on the due date for filing the return of
2 tax for such taxable year.

3 “(4) INTEREST.—Notwithstanding subsection
4 (d), interest shall be allowed under subsection (c) in
5 a case in which the Secretary makes a determination
6 described in subsection (d)(2)(A) with respect to a
7 levy upon an individual retirement plan.”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to amounts paid under subsections
10 (b), (c), and (d)(2)(A) of section 6343 of the Internal Rev-
11 enue Code of 1986 after December 31, 2002.

12 **SEC. 104. SEVEN-DAY THRESHOLD ON TOLLING OF STAT-**
13 **UTE OF LIMITATIONS DURING TAX REVIEW.**

14 (a) IN GENERAL.—Section 7811(d)(1) (relating to
15 suspension of running of period of limitation) is amended
16 by inserting after “application,” the following: “but only
17 if the date of such decision is at least 7 days after the
18 date of the taxpayer’s application”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall apply to applications filed after the date
21 of the enactment of this Act.

22 **SEC. 105. STUDY OF LIENS AND LEVIES.**

23 The Secretary of the Treasury, or the Secretary’s del-
24 egate, shall conduct a study of the practices of the Inter-

1 nal Revenue Service concerning liens and levies. The study
2 shall examine—

3 (1) the declining use of liens and levies by the
4 Internal Revenue Service, and

5 (2) the practicality of recording liens and lev-
6 ying against property in cases in which the cost of
7 such actions exceeds the amount to be realized from
8 such property.

9 Not later than 1 year after the date of the enactment of
10 this Act, the Secretary shall submit such study to the
11 Committee on Ways and Means of the House of Rep-
12 resentatives and the Committee on Finance of the Senate.

13 **SEC. 106. LOW-INCOME TAXPAYER CLINICS.**

14 (a) LIMITATION ON AMOUNT OF GRANTS.—Para-
15 graph (1) of section 7526(c) (relating to special rules and
16 limitations) is amended by striking “\$6,000,000 per year”
17 and inserting “\$9,000,000 for 2002, \$12,000,000 for
18 2003, and \$15,000,000 for each year thereafter”.

19 (b) PROMOTION OF CLINICS.—Section 7526(c) is
20 amended by adding at the end the following new para-
21 graph:

22 “(7) PROMOTION OF CLINICS.—The Secretary
23 is authorized to promote the benefits of and encour-
24 age the use of low-income taxpayer clinics through

1 the use of mass communications, referrals, and other
 2 means.”.

3 **TITLE II—IMPROVED ADMINIS-**
 4 **TRATIVE EFFICIENCY AND**
 5 **CONFIDENTIALITY**

6 **Subtitle A—Efficiency of Tax**
 7 **Administration**

8 **SEC. 201. REVISIONS RELATING TO TERMINATION OF EM-**
 9 **PLOYMENT OF INTERNAL REVENUE SERVICE**
 10 **EMPLOYEES FOR MISCONDUCT.**

11 (a) IN GENERAL.—Subchapter A of chapter 80 (re-
 12 lating to application of internal revenue laws) is amended
 13 by inserting after section 7804 the following new section:

14 **“SEC. 7804A. DISCIPLINARY ACTIONS FOR MISCONDUCT.**

15 **“(a) DISCIPLINARY ACTIONS.—**

16 **“(1) IN GENERAL.—**Subject to subsection (c),
 17 the Commissioner shall take an action in accordance
 18 with the guidelines established under paragraph (2)
 19 against any employee of the Internal Revenue Serv-
 20 ice if there is a final administrative or judicial deter-
 21 mination that such employee committed any act or
 22 omission described under subsection (b) in the per-
 23 formance of the employee’s official duties or where
 24 a nexus to the employee’s position exists.

1 “(2) GUIDELINES.—The Commissioner shall
2 issue guidelines for determining the appropriate level
3 of discipline, up to and including termination of em-
4 ployment, for committing any act or omission de-
5 scribed under subsection (b).

6 “(b) ACTS OR OMISSIONS.—The acts or omissions de-
7 scribed under this subsection are—

8 “(1) willful failure to obtain the required ap-
9 proval signatures on documents authorizing the sei-
10 zure of a taxpayer’s home, personal belongings, or
11 business assets;

12 “(2) willfully providing a false statement under
13 oath with respect to a material matter involving a
14 taxpayer or taxpayer representative;

15 “(3) with respect to a taxpayer or taxpayer rep-
16 resentative, the willful violation of—

17 “(A) any right under the Constitution of
18 the United States;

19 “(B) any civil right established under—

20 “(i) title VI or VII of the Civil Rights
21 Act of 1964;

22 “(ii) title IX of the Education Amend-
23 ments of 1972;

24 “(iii) the Age Discrimination in Em-
25 ployment Act of 1967;

1 “(iv) the Age Discrimination Act of
2 1975;

3 “(v) section 501 or 504 of the Reha-
4 bilitation Act of 1973; or

5 “(vi) title I of the Americans with
6 Disabilities Act of 1990; or

7 “(C) the Internal Revenue Service policy
8 on unauthorized inspection of returns or return
9 information;

10 “(4) willfully falsifying or destroying documents
11 to conceal mistakes made by any employee with re-
12 spect to a matter involving a taxpayer or taxpayer
13 representative;

14 “(5) assault or battery on a taxpayer or tax-
15 payer representative, but only if there is a criminal
16 conviction, or a final adverse judgment by a court in
17 a civil case, with respect to the assault or battery;

18 “(6) willful violations of this title, Department
19 of the Treasury regulations, or policies of the Inter-
20 nal Revenue Service (including the Internal Revenue
21 Manual) for the purpose of retaliating against, or
22 harassing, a taxpayer or taxpayer representative;

23 “(7) willful misuse of the provisions of section
24 6103 for the purpose of concealing information from
25 a congressional inquiry;

1 “(8) willful failure to file any return of tax re-
2 quired under this title on or before the date pre-
3 scribed therefor (including any extensions) when a
4 tax is due and owing, unless such failure is due to
5 reasonable cause and not due to willful neglect;

6 “(9) willful understatement of Federal tax li-
7 ability, unless such understatement is due to reason-
8 able cause and not due to willful neglect; and

9 “(10) threatening to audit a taxpayer, or to
10 take other action under this title, for the purpose of
11 extracting personal gain or benefit.

12 “(c) DETERMINATIONS OF COMMISSIONER.—

13 “(1) IN GENERAL.—The Commissioner may
14 take a personnel action other than a disciplinary ac-
15 tion provided for in the guidelines under subsection
16 (a)(2) for an act or omission described under sub-
17 section (b).

18 “(2) DISCRETION.—The exercise of authority
19 under paragraph (1) shall be at the sole discretion
20 of the Commissioner and may not be delegated to
21 any other officer. The Commissioner, in his sole dis-
22 cretion, may establish a procedure to determine if an
23 individual should be referred to the Commissioner
24 for a determination by the Commissioner under
25 paragraph (1).

1 “(3) NO APPEAL.—Notwithstanding any other
2 provision of law, any determination of the Commis-
3 sioner under this subsection may not be reviewed in
4 any administrative or judicial proceeding. A finding
5 that an act or omission described under subsection
6 (b) occurred may be reviewed.

7 “(d) DEFINITION.—For the purposes of the provi-
8 sions described in clauses (i), (ii), and (iv) of subsection
9 (b)(3)(B), references to a program or activity regarding
10 Federal financial assistance or an education program or
11 activity receiving Federal financial assistance shall include
12 any program or activity conducted by the Internal Rev-
13 enue Service for a taxpayer.

14 “(e) ANNUAL REPORT.—The Commissioner shall
15 submit to Congress annually a report on disciplinary ac-
16 tions under this section.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 for chapter 80 is amended by inserting after the item re-
19 lating to section 7804 the following new item:

 “Sec. 7804A. Disciplinary actions for misconduct.”.

20 (c) REPEAL OF SUPERSEDED SECTION.—Section
21 1203 of the Internal Revenue Service Restructuring and
22 Reform Act of 1998 (Public Law 105–206; 112 Stat. 720)
23 is repealed.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act.

4 **SEC. 202. CONFIRMATION OF AUTHORITY OF TAX COURT**
5 **TO APPLY DOCTRINE OF EQUITABLE**
6 **RECOUPMENT.**

7 (a) CONFIRMATION OF AUTHORITY OF TAX COURT
8 TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.—
9 Subsection (b) of section 6214 (relating to jurisdiction
10 over other years and quarters) is amended by adding at
11 the end the following new sentence: “Notwithstanding the
12 preceding sentence, the Tax Court may apply the doctrine
13 of equitable recoupment to the same extent that it is avail-
14 able in civil tax cases before the district courts of the
15 United States and the United States Court of Federal
16 Claims.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to any action or proceeding in the
19 Tax Court with respect to which a decision has not become
20 final (as determined under section 7481 of the Internal
21 Revenue Code of 1986) as of the date of the enactment
22 of this Act.

1 **SEC. 203. JURISDICTION OF TAX COURT OVER COLLECTION**

2 **DUE PROCESS CASES.**

3 (a) IN GENERAL.—Section 6330(d)(1) (relating to
4 judicial review of determination) is amended to read as
5 follows:

6 “(1) JUDICIAL REVIEW OF DETERMINATION.—

7 The person may, within 30 days of a determination
8 under this section, appeal such determination to the
9 Tax Court (and the Tax Court shall have jurisdic-
10 tion with respect to such matter).”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply to judicial appeals filed after
13 the date of the enactment of this Act.

14 **SEC. 204. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS**

15 **IN COMPROMISE.**

16 (a) IN GENERAL.—Section 7122(b) (relating to
17 record) is amended by striking “Whenever a compromise”
18 and all that follows through “his delegate” and inserting
19 “If the Secretary determines that an opinion of the Gen-
20 eral Counsel for the Department of the Treasury, or the
21 Counsel’s delegate, is required with respect to a com-
22 promise, there shall be placed on file in the office of the
23 Secretary such opinion”.

24 (b) CONFORMING AMENDMENTS.—Section 7122(b) is
25 amended by striking the second and third sentences.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to offers-in-compromise submitted
 3 or pending on or after the date of the enactment of this
 4 Act.

5 **SEC. 205. 15-DAY DELAY IN DUE DATE FOR ELECTRONI-**
 6 **CALLY FILED INDIVIDUAL INCOME TAX RE-**
 7 **TURNS.**

8 (a) IN GENERAL.—Section 6072 (relating to time for
 9 filing income tax returns) is amended by adding at the
 10 end the following new subsection:

11 “(f) ELECTRONICALLY FILED RETURNS OF INDIVID-
 12 UALS.—

13 “(1) IN GENERAL.—Returns of an individual
 14 under section 6012 or 6013 (other than an indi-
 15 vidual to whom subsection (c) applies) which are
 16 filed electronically—

17 “(A) in the case of returns filed on the
 18 basis of a calendar year, shall be filed on or be-
 19 fore the 30th day of April following the close of
 20 the calendar year, and

21 “(B) in the case of returns filed on the
 22 basis of a fiscal year, shall be filed on or before
 23 the last day of the 4th month following the
 24 close of the fiscal year.

1 “(2) ELECTRONIC FILING.—Paragraph (1)
2 shall not apply to any return unless—

3 “(A) such return is accepted by the Sec-
4 retary, and

5 “(B) the balance due (if any) shown on
6 such return is paid electronically in a manner
7 prescribed by the Secretary.

8 “(3) SPECIAL RULES.—

9 “(A) ESTIMATED TAX.—If—

10 “(i) paragraph (1) applies to an indi-
11 vidual for any taxable year, and

12 “(ii) there is an overpayment of tax
13 shown on the return for such year which
14 the individual allows against the individ-
15 ual’s obligation under section 6641,

16 then, with respect to the amount so allowed,
17 any reference in section 6641 to the April 15
18 following such taxable year shall be treated as
19 a reference to April 30.

20 “(B) REFERENCES TO DUE DATE.—Para-
21 graph (1) shall apply solely for purposes of de-
22 termining the due date for the individual’s obli-
23 gation to file and pay tax and, except as other-
24 wise provided by the Secretary, shall be treated

1 as an extension of the due date for any other
 2 purpose under this title.”.

3 (b) EFFECTIVE DATE.—The amendment made by
 4 this section shall apply to taxable years beginning after
 5 December 31, 2001.

6 **Subtitle B—Confidentiality and** 7 **Disclosure**

8 **SEC. 211. COLLECTION ACTIVITIES WITH RESPECT TO** 9 **JOINT RETURN DISCLOSABLE TO EITHER** 10 **SPOUSE BASED ON ORAL REQUEST.**

11 (a) IN GENERAL.—Paragraph (8) of section 6103(e)
 12 (relating to disclosure of collection activities with respect
 13 to joint return) is amended by striking “in writing” the
 14 first place it appears.

15 (b) EFFECTIVE DATE.—The amendment made by
 16 this section shall apply to requests made after the date
 17 of the enactment of this Act.

18 **SEC. 212. TAXPAYER REPRESENTATIVES NOT SUBJECT TO** 19 **EXAMINATION ON SOLE BASIS OF REPRESENTATION OF TAXPAYERS.** 20

21 (a) IN GENERAL.—Subsection (h) of section 6103
 22 (relating to disclosure to certain Federal officers and em-
 23 ployees for purposes of tax administration, etc.) is amend-
 24 ed by adding at the end the following new paragraph:

1 “(7) TAXPAYER REPRESENTATIVES.—Notwith-
 2 standing paragraph (1), the return of the represent-
 3 ative of a taxpayer whose return is being examined
 4 by an officer or employee of the Department of the
 5 Treasury shall not be open to inspection by such of-
 6 ficer or employee on the sole basis of the representa-
 7 tive’s relationship to the taxpayer unless a super-
 8 visor of such officer or employee has approved the
 9 inspection of the return of such representative on a
 10 basis other than by reason of such relationship.”.

11 (b) EFFECTIVE DATE.—The amendment made by
 12 this section shall take effect on the date of the enactment
 13 of this Act.

14 **SEC. 213. COMPLIANCE BY CONTRACTORS WITH CONFIDEN-**
 15 **TIALITY SAFEGUARDS.**

16 (a) IN GENERAL.—Section 6103(p) (relating to State
 17 law requirements) is amended by adding at the end the
 18 following new paragraph:

19 “(9) DISCLOSURE TO CONTRACTORS.—Notwith-
 20 standing any other provision of this section, no re-
 21 turn or return information shall be disclosed by any
 22 officer or employee of any Federal agency or State
 23 to any contractor of such agency or State unless
 24 such agency or State—

1 “(A) has requirements in effect which re-
2 quire each contractor of such agency or State
3 which would have access to returns or return
4 information to provide safeguards (within the
5 meaning of paragraph (4)) to protect the con-
6 fidentiality of such returns or return informa-
7 tion,

8 “(B) agrees to conduct an annual, on-site
9 review (mid-point review in the case of con-
10 tracts of less than 1 year in duration) of each
11 contractor to determine compliance with such
12 requirements,

13 “(C) submits the findings of the most re-
14 cent review conducted under subparagraph (B)
15 to the Secretary as part of the report required
16 by paragraph (4)(E), and

17 “(D) certifies to the Secretary for the most
18 recent annual period that all contractors are in
19 compliance with all such requirements.

20 The certification required by subparagraph (D) shall
21 include the name and address of each contractor, a
22 description of the contract of the contractor with the
23 Federal agency or State, and the duration of such
24 contract.”.

1 (b) CONFORMING AMENDMENT.—Subparagraph (B)
 2 of section 6103(p)(8) is amended by inserting “or para-
 3 graph (9)” after “subparagraph (A)”.

4 (c) EFFECTIVE DATE.—

5 (1) IN GENERAL.—The amendments made by
 6 this section shall apply to disclosures made after De-
 7 cember 31, 2002.

8 (2) CERTIFICATIONS.—The first certification
 9 under section 6103(p)(9)(D) of the Internal Revenue
 10 Code of 1986, as added by subsection (a), shall be
 11 made with respect to calendar year 2003.

12 **SEC. 214. HIGHER STANDARDS FOR REQUESTS FOR AND**
 13 **CONSENTS TO DISCLOSURE.**

14 (a) IN GENERAL.—Subsection (c) of section 6103
 15 (relating to disclosure of returns and return information
 16 to designee of taxpayer) is amended by adding at the end
 17 the following new paragraphs:

18 “(2) REQUIREMENTS FOR VALID REQUESTS
 19 AND CONSENTS.—A request for or consent to disclo-
 20 sure under paragraph (1) shall only be valid for pur-
 21 poses of this section or sections 7213, 7213A, or
 22 7431 if—

23 “(A) at the time of execution, such request
 24 or consent designates a recipient of such disclo-
 25 sure and is dated, and

1 “(B) at the time such request or consent
2 is submitted to the Secretary, the submitter of
3 such request or consent certifies, under penalty
4 of perjury, that such request or consent com-
5 plied with subparagraph (A).

6 “(3) RESTRICTIONS ON PERSONS OBTAINING
7 INFORMATION.—Any person shall, as a condition for
8 receiving return or return information under para-
9 graph (1)—

10 “(A) ensure that such return and return
11 information is kept confidential,

12 “(B) use such return and return informa-
13 tion only for the purpose for which it was re-
14 quested, and

15 “(C) not disclose such return and return
16 information except to accomplish the purpose
17 for which it was requested, unless a separate
18 consent from the taxpayer is obtained.

19 “(4) REQUIREMENTS FOR FORM PRESCRIBED
20 BY SECRETARY.—For purposes of this subsection,
21 the Secretary shall prescribe a form for requests and
22 consents which shall—

23 “(A) contain a warning, prominently dis-
24 played, informing the taxpayer that the form
25 should not be signed unless it is completed,

1 “(B) state that if the taxpayer believes
2 there is an attempt to coerce him to sign an in-
3 complete or blank form, the taxpayer should re-
4 port the matter to the Treasury Inspector Gen-
5 eral for Tax Administration, and

6 “(C) contain the address and telephone
7 number of the Treasury Inspector General for
8 Tax Administration.”.

9 (b) REPORT.—Not later than 18 months after the
10 date of the enactment of this Act, the Treasury Inspector
11 General for Tax Administration shall submit a report to
12 the Congress on compliance with the designation and cer-
13 tification requirements applicable to requests for or con-
14 sent to disclosure of returns and return information under
15 section 6103(c) of the Internal Revenue Code of 1986, as
16 amended by subsection (a). Such report shall—

17 (1) evaluate (on the basis of random sampling)
18 whether—

19 (A) the amendment made by subsection (a)
20 is achieving the purposes of this section;

21 (B) requesters and submitters for such dis-
22 closure are continuing to evade the purposes of
23 this section and, if so, how; and

24 (C) the sanctions for violations of such re-
25 quirements are adequate; and

1 (2) include such recommendations that the
 2 Treasury Inspector General for Tax Administration
 3 considers necessary or appropriate to better achieve
 4 the purposes of this section.

5 (c) CONFORMING AMENDMENT.—Section 6103(c) is
 6 amended by striking “TAXPAYER.—The Secretary” and
 7 inserting “TAXPAYER.—

8 “(1) IN GENERAL.—The Secretary”.

9 (d) EFFECTIVE DATE.—The amendments made by
 10 this section shall apply to requests and consents made
 11 after 3 months after the date of the enactment of this
 12 Act.

13 **SEC. 215. NOTICE TO TAXPAYER CONCERNING ADMINIS-**
 14 **TRATIVE DETERMINATION OF BROWSING; AN-**
 15 **NUAL REPORT.**

16 (a) NOTICE TO TAXPAYER.—Subsection (e) of section
 17 7431 (relating to notification of unlawful inspection and
 18 disclosure) is amended by adding at the end the following:
 19 “The Secretary shall also notify such taxpayer if the
 20 Treasury Inspector General for Tax Administration deter-
 21 mines that such taxpayer’s return or return information
 22 was inspected or disclosed in violation of any of the provi-
 23 sions specified in paragraph (1), (2), or (3).”.

24 (b) REPORTS.—Subsection (p) of section 6103 (relat-
 25 ing to procedure and recordkeeping), as amended by sec-

1 tion 245, is further amended by adding at the end the
2 following new paragraph:

3 “(10) REPORT ON UNAUTHORIZED DISCLOSURE
4 AND INSPECTION.—As part of the report required by
5 paragraph (3)(C) for each calendar year, the Sec-
6 retary shall furnish information regarding the unau-
7 thorized disclosure and inspection of returns and re-
8 turn information, including the number, status, and
9 results of—

10 “(A) administrative investigations,

11 “(B) civil lawsuits brought under section
12 7431 (including the amounts for which such
13 lawsuits were settled and the amounts of dam-
14 ages awarded), and

15 “(C) criminal prosecutions.”.

16 (c) EFFECTIVE DATE.—

17 (1) NOTICE.—The amendment made by sub-
18 section (a) shall apply to determinations made after
19 the date of the enactment of this Act.

20 (2) REPORTS.—The amendment made by sub-
21 section (b) shall apply to calendar years ending after
22 the date of the enactment of this Act.

1 **SEC. 216. EXPANDED DISCLOSURE IN EMERGENCY CIR-**
 2 **CUMSTANCES.**

3 (a) IN GENERAL.—Section 6103(i)(3)(B) (relating to
 4 danger of death or physical injury) is amended by striking
 5 “or State” and inserting “, State, or local”.

6 (b) EFFECTIVE DATE.—The amendment made by
 7 this section shall take effect on the date of the enactment
 8 of this Act.

9 **SEC. 217. DISCLOSURE TO STATE OFFICIALS OF PROPOSED**
 10 **ACTIONS RELATED TO SECTION 501(c)(3) OR-**
 11 **GANIZATIONS.**

12 (a) IN GENERAL.—Subsection (c) of section 6104 is
 13 amended by striking paragraph (2) and inserting the fol-
 14 lowing new paragraphs:

15 “(2) DISCLOSURE OF PROPOSED ACTIONS.—

16 “(A) SPECIFIC NOTIFICATIONS.—In the
 17 case of an organization to which paragraph (1)
 18 applies, the Secretary may disclose to the ap-
 19 propriate State officer—

20 “(i) a notice of proposed refusal to
 21 recognize such organization as an organi-
 22 zation described in section 501(c)(3) or a
 23 notice of proposed revocation of such orga-
 24 nization’s recognition as an organization
 25 exempt from taxation,

1 “(ii) the issuance of a letter of pro-
2 posed deficiency of tax imposed under sec-
3 tion 507 or chapter 41 or 42, and

4 “(iii) the names and taxpayer identi-
5 fication numbers of organizations that
6 have applied for recognition as organiza-
7 tions described in section 501(c)(3).

8 “(B) ADDITIONAL DISCLOSURES.—Returns
9 and return information of organizations with
10 respect to which information is disclosed under
11 subparagraph (A) may be made available for in-
12 spection by or disclosed to an appropriate State
13 officer.

14 “(C) PROCEDURES FOR DISCLOSURE.—In-
15 formation may be inspected or disclosed under
16 subparagraph (A) or (B) only—

17 “(i) upon written request by an ap-
18 propriate State officer, and

19 “(ii) for the purpose of, and only to
20 the extent necessary in, the administration
21 of State laws regulating such organiza-
22 tions.

23 Such information may only be inspected by or
24 disclosed to representatives of the appropriate
25 State officer designated as the individuals who

1 are to inspect or to receive the returns or re-
2 turn information under this paragraph on be-
3 half of such officer.

4 “(D) DISCLOSURES OTHER THAN BY RE-
5 QUEST.—The Secretary may make available for
6 inspection or disclose returns and return infor-
7 mation of an organization to which paragraph
8 (1) applies to an appropriate State officer of
9 any State if the Secretary determines that such
10 inspection or disclosure may facilitate the reso-
11 lution of State and Federal issues relating to
12 such organization.

13 “(3) USE IN JUDICIAL AND ADMINISTRATIVE
14 PROCEEDINGS.—Returns and return information
15 disclosed pursuant to this subsection may be dis-
16 closed in civil administrative and judicial proceedings
17 pertaining to the enforcement of State laws regu-
18 lating such organizations in a manner prescribed by
19 the Secretary similar to that for tax administration
20 proceedings under section 6103(h)(4).

21 “(4) NO DISCLOSURE IF IMPAIRMENT.—Re-
22 turns and return information shall not be disclosed
23 under this subsection, or in any proceeding described
24 in paragraph (3), to the extent that the Secretary

determines that such disclosure would seriously impair Federal tax administration.

“(5) DEFINITIONS.—For purposes of this subsection—

“(A) RETURN AND RETURN INFORMATION.—The terms ‘return’ and ‘return information’ have the respective meanings given to such terms by section 6103(b).

“(B) APPROPRIATE STATE OFFICER.—The term ‘appropriate State officer’ means—

“(i) the State attorney general, or

“(ii) the head of any State agency, body, or commission which is charged under the laws of such State with responsibility for overseeing organizations of the type described in section 501(c)(3).”.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 6103 is amended—

(A) by inserting “or section 6104(c)” after “this section” in paragraph (2), and

(B) by striking “or subsection (n)” in paragraph (3) and inserting “subsection (n), or section 6104(c)”.

1 (2) Subparagraph (A) of section 6103(p)(3) is
2 amended by inserting “and section 6104(c)” after
3 “section” in the first sentence.

4 (3) Paragraph (4) of section 6103(p) is amend-
5 ed—

6 (A) in the matter preceding subparagraph
7 (A), by striking “(16) or any other person de-
8 scribed in subsection (l)(16)” and inserting
9 “(16), any other person described in subsection
10 (l)(16), or any appropriate State officer (as de-
11 fined in section 6104(c))”, and

12 (B) in subparagraph (F), by striking “or
13 any other person described in subsection
14 (l)(16)” and inserting “any other person de-
15 scribed in subsection (l)(16), or any appropriate
16 State officer (as defined in section 6104(c))”.

17 (4) Paragraph (2) of section 7213(a) is amend-
18 ed by inserting “or under section 6104(c)” after
19 “6103”.

20 (5) Paragraph (2) of section 7213A(a) is
21 amended by inserting “or 6104(c)” after “6103”.

22 (6) Paragraph (2) of section 7431(a) is amend-
23 ed by inserting “(including any disclosure in viola-
24 tion of section 6104(c))” after “6103”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act but shall not apply to requests made before
4 such date.

5 **Subtitle C—Other Provisions**

6 **SEC. 221. BETTER MEANS OF COMMUNICATING WITH TAX-** 7 **PAYERS.**

8 Not later than 18 months after the date of the enact-
9 ment of this Act, the Treasury Inspector General for Tax
10 Administration shall submit a report to Congress evalu-
11 ating whether technological advances, such as e-mail and
12 facsimile transmission, permit the use of alternative
13 means for the Internal Revenue Service to communicate
14 with taxpayers.

15 **SEC. 222. ENROLLED AGENTS.**

16 (a) IN GENERAL.—Chapter 77 (relating to miscella-
17 neous provisions) is amended by adding at the end the
18 following new section:

19 **“SEC. 7527. ENROLLED AGENTS.**

20 “(a) IN GENERAL.—The Secretary may prescribe
21 such regulations as may be necessary to regulate the con-
22 duct of enrolled agents in regards to their practice before
23 the Internal Revenue Service.

24 “(b) USE OF CREDENTIALS.—Any enrolled agents
25 properly licensed to practice as required under rules pro-

1 mulgated under section (a) herein shall be allowed to use
2 the credentials or designation as ‘enrolled agent’, ‘EA’, or
3 ‘E.A.’.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for chapter 77 is amended by adding at the end the fol-
6 lowing new item:

“Sec. 7525. Enrolled agents.”.

7 (c) PRIOR REGULATIONS.—Nothing in the amend-
8 ments made by this section shall be construed to have any
9 effect on part 10 of title 31, Code of Federal Regulations,
10 or any other Federal rule or regulation issued before the
11 date of the enactment of this Act.

12 **SEC. 223. FINANCIAL MANAGEMENT SERVICE FEES.**

13 Notwithstanding any other provision of law, the Fi-
14 nancial Management Service may charge the Internal Rev-
15 enue Service, and the Internal Revenue Service may pay
16 the Financial Management Service, a fee sufficient to
17 cover the full cost of implementing a continuous levy pro-
18 gram under subsection (h) of section 6331 of the Internal
19 Revenue Code of 1986. Any such fee shall be based on
20 actual levies made and shall be collected by the Financial
21 Management Service by the retention of a portion of
22 amounts collected by levy pursuant to that subsection.
23 Amounts received by the Financial Management Service
24 as fees under that subsection shall be deposited into the
25 account of the Department of the Treasury under section

1 3711(g)(7) of title 31, United States Code, and shall be
 2 collected and accounted for in accordance with the provi-
 3 sions of that section. The amount credited against the tax-
 4 payer’s liability on account of the continuous levy shall
 5 be the amount levied, without reduction for the amount
 6 paid to the Financial Management Service as a fee.

7 **SEC. 224. AMENDMENT TO TREASURY AUCTION REFORMS.**

8 (a) IN GENERAL.—Clause (i) of section 202(c)(4)(B)
 9 of the Government Securities Act Amendments of 1993
 10 (31 U.S.C. 3121 note) is amended by inserting before the
 11 semicolon “(or, if earlier, at the time the Secretary re-
 12 leases the minutes of the meeting in accordance with para-
 13 graph (2))”.

14 (b) EFFECTIVE DATE.—The amendment made by
 15 subsection (a) shall apply to meetings held after the date
 16 of the enactment of this Act.

17 **TITLE III—REFORM OF PENALTY**
 18 **AND INTEREST PROVISIONS**

19 **SEC. 301. FAILURE TO PAY ESTIMATED TAX PENALTY CON-**
 20 **VERTED TO INTEREST CHARGE ON ACCUMU-**
 21 **LATED UNPAID BALANCE.**

22 (a) PENALTY MOVED TO INTEREST CHAPTER OF
 23 CODE.—The Internal Revenue Code of 1986 is amended
 24 by redesignating section 6654 as section 6641 and by
 25 moving section 6641 (as so redesignated) from part I of

1 subchapter A of chapter 68 to the end of subchapter E
 2 of chapter 67 (as added by subsection (e)(1) of this sec-
 3 tion).

4 (b) PENALTY CONVERTED TO INTEREST CHARGE.—
 5 The heading and subsections (a) and (b) of section 6641
 6 (as so redesignated) are amended to read as follows:

7 **“SEC. 6641. INTEREST ON FAILURE BY INDIVIDUAL TO PAY**
 8 **ESTIMATED INCOME TAX.**

9 “(a) IN GENERAL.—Interest shall be paid on any un-
 10 derpayment of estimated tax by an individual for a taxable
 11 year for each day of such underpayment. The amount of
 12 such interest for any day shall be the product of the un-
 13 derpayment rate established under subsection (b)(2) mul-
 14 tiplied by the amount of the underpayment.

15 “(b) AMOUNT OF UNDERPAYMENT; INTEREST
 16 RATE.—For purposes of subsection (a)—

17 “(1) AMOUNT.—The amount of the under-
 18 payment on any day shall be the excess of—

19 “(A) the sum of the required installments
 20 for the taxable year the due dates for which are
 21 on or before such day, over

22 “(B) the sum of the amounts (if any) of
 23 estimated tax payments made on or before such
 24 day on such required installments.

25 “(2) DETERMINATION OF INTEREST RATE.—

1 “(A) IN GENERAL.—The underpayment
2 rate with respect to any day in an installment
3 underpayment period shall be the under-
4 payment rate established under section 6621
5 for the first day of the calendar quarter in
6 which such installment underpayment period
7 begins.

8 “(B) INSTALLMENT UNDERPAYMENT PE-
9 RIOD.—For purposes of subparagraph (A), the
10 term ‘installment underpayment period’ means
11 the period beginning on the day after the due
12 date for a required installment and ending on
13 the due date for the subsequent required in-
14 stallment (or in the case of the 4th required in-
15 stallment, the 15th day of the 4th month fol-
16 lowing the close of a taxable year).

17 “(C) DAILY RATE.—The rate determined
18 under subparagraph (A) shall be applied on a
19 daily basis and shall be based on the assump-
20 tion of 365 days in a calendar year.

21 “(3) TERMINATION OF ESTIMATED TAX INTER-
22 EST.—No day after the end of the installment un-
23 derpayment period for the 4th required installment
24 specified in paragraph (2)(B) for a taxable year

1 shall be treated as a day of underpayment with re-
 2 spect to such taxable year.”.

3 (c) INCREASE IN SAFE HARBOR WHERE TAX IS
 4 SMALL.—

5 (1) IN GENERAL.—Clause (i) of section
 6 6641(d)(1)(B) (as so redesignated) is amended to
 7 read as follows:

8 “(i) the lesser of—

9 “(I) 90 percent of the tax shown
 10 on the return for the taxable year (or,
 11 if no return is filed, 90 percent of the
 12 tax for such year), or

13 “(II) the tax shown on the return
 14 for the taxable year (or, if no return
 15 is filed, the tax for such year) reduced
 16 (but not below zero) by \$2,000, or”.

17 (2) CONFORMING AMENDMENT.—Subsection (e)
 18 of section 6641 (as so redesignated) is amended by
 19 striking paragraph (1) and redesignating paragraphs
 20 (2) and (3) as paragraphs (1) and (2), respectively.

21 (d) CONFORMING AMENDMENTS.—

22 (1) Paragraphs (1) and (2) of subsection (e)
 23 (as redesignated by subsection (c)(2)) and sub-
 24 section (h) of section 6641 (as so designated) are

1 each amended by striking “addition to tax” each
2 place it occurs and inserting “interest”.

3 (2) Section 167(g)(5)(D) is amended by strik-
4 ing “6654” and inserting “6641”.

5 (3) Section 460(b)(1) is amended by striking
6 “6654” and inserting “6641”.

7 (4) Section 3510(b) is amended—

8 (A) by striking “section 6654” in para-
9 graph (1) and inserting “section 6641”;

10 (B) by amending paragraph (2)(B) to read
11 as follows:

12 “(B) no interest would be required to be
13 paid (but for this section) under 6641 for such
14 taxable year by reason of the \$2,000 amount
15 specified in section 6641(d)(1)(B)(i)(II).”;

16 (C) by striking “section 6654(d)(2)” in
17 paragraph (3) and inserting “section
18 6641(d)(2)”; and

19 (D) by striking paragraph (4).

20 (5) Section 6201(b)(1) is amended by striking
21 “6654” and inserting “6641”.

22 (6) Section 6601(h) is amended by striking
23 “6654” and inserting “6641”.

24 (7) Section 6621(b)(2)(B) is amended by strik-
25 ing “addition to tax under section 6654” and insert-

1 ing “interest required to be paid under section
2 6641”.

3 (8) Section 6622(b) is amended—

4 (A) by striking “PENALTY FOR” in the
5 heading; and

6 (B) by striking “addition to tax under sec-
7 tion 6654 or 6655” and inserting “interest re-
8 quired to be paid under section 6641 or addi-
9 tion to tax under section 6655”.

10 (9) Section 6658(a) is amended—

11 (A) by striking “6654, or 6655” and in-
12 serting “or 6655, and no interest shall be re-
13 quired to be paid under section 6641,”; and

14 (B) by inserting “or paying interest” after
15 “the tax” in paragraph (2)(B)(ii).

16 (10) Section 6665(b) is amended—

17 (A) in the matter preceding paragraph (1)
18 by striking “, 6654,”; and

19 (B) in paragraph (2) by striking “6654
20 or”.

21 (11) Section 7203 is amended by striking “sec-
22 tion 6654 or 6655” and inserting “section 6655 or
23 interest required to be paid under section 6641”.

24 (e) CLERICAL AMENDMENTS.—

1 (1) Chapter 67 is amended by inserting after
2 subchapter D the following:

3 **“Subchapter E—Interest on Failure by**
4 **Individual to Pay Estimated Income Tax**

 “Sec. 6641. Interest on failure by individual to pay estimated in-
 come tax.”.

5 (2) The table of subchapters for chapter 67 is
6 amended by adding at the end the following new
7 items:

 “Subchapter D. Notice requirements.

 “Subchapter E. Interest on failure by individual to pay estimated
 income tax.”.

8 (3) The table of sections for part I of sub-
9 chapter A of chapter 68 is amended by striking the
10 item relating to section 6654.

11 (f) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to installment payments for taxable
13 years beginning after December 31, 2002.

14 **SEC. 302. EXCLUSION FROM GROSS INCOME FOR INTEREST**
15 **ON OVERPAYMENTS OF INCOME TAX BY INDIV-**
16 **VIDUALS.**

17 (a) IN GENERAL.—Part III of subchapter B of chap-
18 ter 1 (relating to items specifically excluded from gross
19 income) is amended by inserting after section 139 the fol-
20 lowing new section:

1 **“SEC. 139A. EXCLUSION FROM GROSS INCOME FOR INTER-**
 2 **EST ON OVERPAYMENTS OF INCOME TAX BY**
 3 **INDIVIDUALS.**

4 “(a) IN GENERAL.—In the case of an individual,
 5 gross income shall not include interest paid under section
 6 6611 on any overpayment of tax imposed by this subtitle.

7 “(b) EXCEPTION.—Subsection (a) shall not apply in
 8 the case of a failure to claim items resulting in the over-
 9 payment on the original return if the Secretary determines
 10 that the principal purpose of such failure is to take advan-
 11 tage of subsection (a).

12 “(c) SPECIAL RULE FOR DETERMINING MODIFIED
 13 ADJUSTED GROSS INCOME.—For purposes of this title,
 14 interest not included in gross income under subsection (a)
 15 shall not be treated as interest which is exempt from tax
 16 for purposes of sections 32(i)(2)(B) and 6012(d) or any
 17 computation in which interest exempt from tax under this
 18 title is added to adjusted gross income.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
 20 for part III of subchapter B of chapter 1 is amended by
 21 inserting after the item relating to section 139 the fol-
 22 lowing new item:

“Sec. 139A. Exclusion from gross income for interest on over-
 payments of income tax by individuals.”.

23 (c) EFFECTIVE DATE.—The amendments made by
 24 this section shall apply to interest received in calendar

1 years beginning after the date of the enactment of this
2 Act.

3 **SEC. 303. ABATEMENT OF INTEREST.**

4 (a) ABATEMENT OF INTEREST WITH RESPECT TO
5 ERRONEOUS REFUND CHECK WITHOUT REGARD TO SIZE
6 OF REFUND.—Paragraph (2) of section 6404(e) is amend-
7 ed by striking “unless—” and all that follows and insert-
8 ing “unless the taxpayer (or a related party) has in any
9 way caused such erroneous refund.”.

10 (b) ABATEMENT OF INTEREST TO EXTENT INTER-
11 EST IS ATTRIBUTABLE TO TAXPAYER RELIANCE ON
12 WRITTEN STATEMENTS OF THE IRS.—Subsection (f) of
13 section 6404 is amended—

14 (1) in the subsection heading, by striking
15 “PENALTY OR ADDITION” and inserting “INTEREST,
16 PENALTY, OR ADDITION”; and

17 (2) in paragraph (1) and in subparagraph (B)
18 of paragraph (2), by striking “penalty or addition”
19 and inserting “interest, penalty, or addition”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to interest accruing
22 on or after the date of the enactment of this Act.

1 **SEC. 304. DEPOSITS MADE TO SUSPEND RUNNING OF IN-**
2 **TEREST ON POTENTIAL UNDERPAYMENTS.**

3 (a) IN GENERAL.—Subchapter A of chapter 67 (re-
4 lating to interest on underpayments) is amended by add-
5 ing at the end the following new section:

6 **“SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF IN-**
7 **TEREST ON POTENTIAL UNDERPAYMENTS,**
8 **ETC.**

9 “(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN
10 AS PAYMENT OF TAX.—A taxpayer may make a cash de-
11 posit with the Secretary which may be used by the Sec-
12 retary to pay any tax imposed under subtitle A or B or
13 chapter 41, 42, 43, or 44 which has not been assessed
14 at the time of the deposit. Such a deposit shall be made
15 in such manner as the Secretary shall prescribe.

16 “(b) NO INTEREST IMPOSED.—To the extent that
17 such deposit is used by the Secretary to pay tax, for pur-
18 poses of section 6601 (relating to interest on underpay-
19 ments), the tax shall be treated as paid when the deposit
20 is made.

21 “(c) RETURN OF DEPOSIT.—Except in a case where
22 the Secretary determines that collection of tax is in jeop-
23 ardy, the Secretary shall return to the taxpayer any
24 amount of the deposit (to the extent not used for a pay-
25 ment of tax) which the taxpayer requests in writing.

26 “(d) PAYMENT OF INTEREST.—

1 “(1) IN GENERAL.—For purposes of section
2 6611 (relating to interest on overpayments), a de-
3 posit which is returned to a taxpayer shall be treated
4 as a payment of tax for any period to the extent
5 (and only to the extent) attributable to a disputable
6 tax for such period. Under regulations prescribed by
7 the Secretary, rules similar to the rules of section
8 6611(b)(2) shall apply.

9 “(2) DISPUTABLE TAX.—

10 “(A) IN GENERAL.—For purposes of this
11 section, the term ‘disputable tax’ means the
12 amount of tax specified at the time of the de-
13 posit as the taxpayer’s reasonable estimate of
14 the maximum amount of any tax attributable to
15 disputable items.

16 “(B) SAFE HARBOR BASED ON 30-DAY
17 LETTER.—In the case of a taxpayer who has
18 been issued a 30-day letter, the maximum
19 amount of tax under subparagraph (A) shall
20 not be less than the amount of the proposed de-
21 ficiency specified in such letter.

22 “(3) OTHER DEFINITIONS.—For purposes of
23 paragraph (2)—

1 “(A) DISPUTABLE ITEM.—The term ‘dis-
2 putable item’ means any item of income, gain,
3 loss, deduction, or credit if the taxpayer—

4 “(i) has a reasonable basis for its
5 treatment of such item, and

6 “(ii) reasonably believes that the Sec-
7 retary also has a reasonable basis for dis-
8 allowing the taxpayer’s treatment of such
9 item.

10 “(B) 30-DAY LETTER.—The term ‘30-day
11 letter’ means the first letter of proposed defi-
12 ciency which allows the taxpayer an opportunity
13 for administrative review in the Internal Rev-
14 enue Service Office of Appeals.

15 “(4) RATE OF INTEREST.—The rate of interest
16 allowable under this subsection shall be the Federal
17 short-term rate determined under section 6621(b),
18 compounded daily.

19 “(e) USE OF DEPOSITS.—

20 “(1) PAYMENT OF TAX.—Except as otherwise
21 provided by the taxpayer, deposits shall be treated
22 as used for the payment of tax in the order depos-
23 ited.

“Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.”.

(1) IN GENERAL.—The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

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1 **SEC. 305. EXPANSION OF INTEREST NETTING FOR INDIVID-**
2 **UALS.**

3 (a) IN GENERAL.—Subsection (d) of section 6621
4 (relating to elimination of interest on overlapping periods
5 of tax overpayments and underpayments) is amended by
6 adding at the end the following: “Solely for purposes of
7 the preceding sentence, section 6611(e) shall not apply in
8 the case of an individual.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply to interest accrued after Decem-
11 ber 31, 2002.

12 **SEC. 306. WAIVER OF CERTAIN PENALTIES FOR FIRST-TIME**
13 **UNINTENTIONAL MINOR ERRORS.**

14 (a) IN GENERAL.—Section 6651 (relating to failure
15 to file tax return or to pay tax) is amended by adding
16 at the end the following new subsection:

17 “(i) TREATMENT OF FIRST-TIME UNINTENTIONAL
18 MINOR ERRORS.—

19 “(1) IN GENERAL.—In the case of a return of
20 tax imposed by subtitle A filed by an individual, the
21 Secretary may waive an addition to tax under sub-
22 section (a) if—

23 “(A) the individual has a history of compli-
24 ance with the requirements of this title,

25 “(B) it is shown that the failure is due to
26 an unintentional minor error,

1 “(C) the penalty would be grossly dis-
 2 proportionate to the action or expense that
 3 would have been needed to avoid the error, and
 4 imposing the penalty would be against equity
 5 and good conscience,

6 “(D) waiving the penalty would promote
 7 compliance with the requirements of this title
 8 and effective tax administration, and

9 “(E) the taxpayer took all reasonable steps
 10 to remedy the error promptly after discovering
 11 it.

12 “(2) EXCEPTIONS.—Paragraph (1) shall not
 13 apply if—

14 “(A) the Secretary has waived any addition
 15 to tax under this subsection with respect to any
 16 prior failure by such individual,

17 “(B) the failure is a mathematical or cler-
 18 ical error (as defined in section 6213(g)(2)), or

19 “(C) the failure is the lack of a required
 20 signature.”.

21 (b) EFFECTIVE DATE.—The amendment made by
 22 this section shall take effect on January 1, 2003.

23 **SEC. 307. FRIVOLOUS TAX SUBMISSIONS.**

24 (a) CIVIL PENALTIES.—Section 6702 is amended to
 25 read as follows:

1 **“SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.**

2 “(a) CIVIL PENALTY FOR FRIVOLOUS TAX RE-
3 TURNS.—A person shall pay a penalty of \$5,000 if—

4 “(1) such person files what purports to be a re-
5 turn of a tax imposed by this title but which—

6 “(A) does not contain information on
7 which the substantial correctness of the self-as-
8 sessment may be judged, or

9 “(B) contains information that on its face
10 indicates that the self-assessment is substan-
11 tially incorrect; and

12 “(2) the conduct referred to in paragraph (1)—

13 “(A) is based on a position which the Sec-
14 retary has identified as frivolous under sub-
15 section (c), or

16 “(B) reflects a desire to delay or impede
17 the administration of Federal tax laws.

18 “(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS
19 SUBMISSIONS.—

20 “(1) IMPOSITION OF PENALTY.—Except as pro-
21 vided in paragraph (3), any person who submits a
22 specified frivolous submission shall pay a penalty of
23 \$5,000.

24 “(2) SPECIFIED FRIVOLOUS SUBMISSION.—For
25 purposes of this section—

1 “(A) SPECIFIED FRIVOLOUS SUBMIS-
2 SION.—The term ‘specified frivolous submis-
3 sion’ means a specified submission if any por-
4 tion of such submission—

5 “(i) is based on a position which the
6 Secretary has identified as frivolous under
7 subsection (c), or

8 “(ii) reflects a desire to delay or im-
9 pede the administration of Federal tax
10 laws.

11 “(B) SPECIFIED SUBMISSION.—The term
12 ‘specified submission’ means—

13 “(i) a request for a hearing under—

14 “(I) section 6320 (relating to no-
15 tice and opportunity for hearing upon
16 filing of notice of lien), or

17 “(II) section 6330 (relating to
18 notice and opportunity for hearing be-
19 fore levy), and

20 “(ii) an application under—

21 “(I) section 7811 (relating to
22 taxpayer assistance orders),

23 “(II) section 6159 (relating to
24 agreements for payment of tax liabil-
25 ity in installments), or

1 “(III) section 7122 (relating to
2 compromises).

3 “(3) OPPORTUNITY TO WITHDRAW SUBMIS-
4 SION.—If the Secretary provides a person with no-
5 tice that a submission is a specified frivolous sub-
6 mission and such person withdraws such submission
7 promptly after such notice, the penalty imposed
8 under paragraph (1) shall not apply with respect to
9 such submission.

10 “(c) LISTING OF FRIVOLOUS POSITIONS.—The Sec-
11 retary shall prescribe (and periodically revise) a list of po-
12 sitions which the Secretary has identified as being frivo-
13 lous for purposes of this subsection. The Secretary shall
14 not include in such list any position that the Secretary
15 determines meets the requirement of section
16 6662(d)(2)(B)(ii)(II).

17 “(d) REDUCTION OF PENALTY.—The Secretary may
18 reduce the amount of any penalty imposed under this sec-
19 tion if the Secretary determines that such reduction would
20 promote compliance with and administration of the Fed-
21 eral tax laws.

22 “(e) PENALTIES IN ADDITION TO OTHER PEN-
23 ALTIES.—The penalties imposed by this section shall be
24 in addition to any other penalty provided by law.”.

1 (b) TREATMENT OF FRIVOLOUS REQUESTS FOR
2 HEARINGS BEFORE LEVY.—

3 (1) FRIVOLOUS REQUESTS DISREGARDED.—

4 Section 6330 (relating to notice and opportunity for
5 hearing before levy) is amended by adding at the
6 end the following new subsection:

7 “(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—

8 Notwithstanding any other provision of this section, if the
9 Secretary determines that any portion of a request for a
10 hearing under this section or section 6320 meets the re-
11 quirement of clause (i) or (ii) of section 6702(b)(2)(A),
12 then the Secretary may treat such portion as if it were
13 never submitted and such portion shall not be subject to
14 any further administrative or judicial review.”.

15 (2) PRECLUSION FROM RAISING FRIVOLOUS
16 ISSUES AT HEARING.—Section 6330(c)(4) is amend-
17 ed—

18 (A) by striking “(A)” and inserting
19 “(A)(i)”;

20 (B) by striking “(B)” and inserting “(ii)”;

21 (C) by striking the period at the end of the
22 first sentence and inserting “; or”; and

23 (D) by inserting after subparagraph (A)(ii)
24 (as so redesignated) the following:

1 “(B) the issue meets the requirement of
2 clause (i) or (ii) of section 6702(b)(2)(A).”.

3 (3) STATEMENT OF GROUNDS.—Section
4 6330(b)(1) is amended by striking “under sub-
5 section (a)(3)(B)” and inserting “in writing under
6 subsection (a)(3)(B) and states the grounds for the
7 requested hearing”.

8 (c) TREATMENT OF FRIVOLOUS REQUESTS FOR
9 HEARINGS UPON FILING OF NOTICE OF LIEN.—Section
10 6320 is amended—

11 (1) in subsection (b)(1), by striking “under sub-
12 section (a)(3)(B)” and inserting “in writing under
13 subsection (a)(3)(B) and states the grounds for the
14 requested hearing”, and

15 (2) in subsection (c), by striking “and (e)” and
16 inserting “(e), and (g)”.

17 (d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR
18 OFFERS-IN-COMPROMISE AND INSTALLMENT AGREE-
19 MENTS.—Section 7122 is amended by adding at the end
20 the following new subsection:

21 “(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwith-
22 standing any other provision of this section, if the Sec-
23 retary determines that any portion of an application for
24 an offer-in-compromise or installment agreement sub-
25 mitted under this section or section 6159 meets the re-

1 quirement of clause (i) or (ii) of section 6702(b)(2)(A),
 2 then the Secretary may treat such portion as if it were
 3 never submitted and such portion shall not be subject to
 4 any further administrative or judicial review.”.

5 (e) CLERICAL AMENDMENT.—The table of sections
 6 for part I of subchapter B of chapter 68 is amended by
 7 striking the item relating to section 6702 and inserting
 8 the following new item:

“Sec. 6702. Frivolous tax submissions.”.

9 (f) EFFECTIVE DATE.—The amendments made by
 10 this section shall apply to submissions made and issues
 11 raised after the date on which the Secretary first pre-
 12 scribes a list under section 6702(c) of the Internal Rev-
 13 enue Code of 1986, as amended by subsection (a).

14 **SEC. 308. CLARIFICATION OF APPLICATION OF FEDERAL**
 15 **TAX DEPOSIT PENALTY.**

16 Nothing in section 6656 of the Internal Revenue
 17 Code of 1986 shall be construed to permit the percentage
 18 specified in subsection (b)(1)(A)(iii) thereof to apply other
 19 than in a case where the failure is for more than 15 days.

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