

110TH CONGRESS
2^D SESSION

H. R. 5719

To amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2008

Mr. RANGEL (for himself, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Ms. BERKLEY, Mr. CROWLEY, Mr. MEEK of Florida, Mr. ELLISON, Ms. GIFFORDS, Mr. HALL of New York, Mr. MAHONEY of Florida, Mr. WALZ of Minnesota, Mr. WELCH of Vermont, and Mrs. JONES of Ohio) 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 conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, 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, ETC.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Taxpayer Assistance and Simplification Act of 2008”.

1 (b) AMENDMENT OF 1986 CODE.—Except as other-
2 wise expressly provided, whenever in this Act an amend-
3 ment or repeal is expressed in terms of an amendment
4 to, or repeal of, a section or other provision, the reference
5 shall be considered to be made to a section or other provi-
6 sion of the Internal Revenue Code of 1986.

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

- Sec. 1. Short title, etc.
- Sec. 2. Modification of penalty on understatement of taxpayer's liability by tax return preparer.
- Sec. 3. Removal of cellular telephones (or similar telecommunications equipment) from listed property.
- Sec. 4. Delay of application of withholding requirement on certain governmental payments for goods and services.
- Sec. 5. Elderly and disabled individuals receiving in-home care under certain government programs not subject to employment tax provisions.
- Sec. 6. Referrals to low-income taxpayer clinics permitted.
- Sec. 7. Programs for the benefit of low-income taxpayers.
- Sec. 8. EITC outreach.
- Sec. 9. Prohibition on IRS debt indicators for predatory refund anticipation loans.
- Sec. 10. Study on delivery of tax refunds.
- Sec. 11. Extension of time for return of property for wrongful levy.
- Sec. 12. Individuals held harmless on wrongful levy, etc., on individual retirement plan.
- Sec. 13. Taxpayer notification of suspected identity theft.
- Sec. 14. Repeal of authority to enter into private debt collection contracts.
- Sec. 15. Clarification of IRS unclaimed refund authority.
- Sec. 16. Prohibition on misuse of Department of the Treasury names and symbols.
- Sec. 17. Substantiation of amounts paid or distributed out of health savings account.
- Sec. 18. Increase in information return penalties.
- Sec. 19. Increase in penalty for failure to file partnership returns.
- Sec. 20. Increase in penalty for failure to file S corporation return.
- Sec. 21. Time for payment of corporate estimated tax.

1 **SEC. 2. MODIFICATION OF PENALTY ON UNDERSTATEMENT**
2 **OF TAXPAYER'S LIABILITY BY TAX RETURN**
3 **PREPARER.**

4 (a) IN GENERAL.—Subsection (a) of section 6694
5 (relating to understatement due to unreasonable positions)
6 is amended to read as follows:

7 “(a) UNDERSTATEMENT DUE TO UNREASONABLE
8 POSITIONS.—

9 “(1) IN GENERAL.—If a tax return preparer—

10 “(A) prepares any return or claim of re-
11 fund with respect to which any part of an un-
12 derstatement of liability is due to a position de-
13 scribed in paragraph (2), and

14 “(B) knew (or reasonably should have
15 known) of the position,

16 such tax return preparer shall pay a penalty with re-
17 spect to each such return or claim in an amount
18 equal to the greater of \$1,000 or 50 percent of the
19 income derived (or to be derived) by the tax return
20 preparer with respect to the return or claim.

21 “(2) UNREASONABLE POSITION.—

22 “(A) IN GENERAL.—Except as otherwise
23 provided in this paragraph, a position is de-
24 scribed in this paragraph unless there is or was
25 substantial authority for the position.

1 “(B) DISCLOSED POSITIONS.—If the posi-
2 tion was disclosed as provided in section
3 6662(d)(2)(B)(ii)(I) and is not a position to
4 which subparagraph (C) applies, the position is
5 described in this paragraph unless there is a
6 reasonable basis for the position.

7 “(C) TAX SHELTERS AND REPORTABLE
8 TRANSACTIONS.—If the position is with respect
9 to a tax shelter (as defined in section
10 6662(d)(2)(C)(ii)) or a reportable transaction
11 to which section 6662A applies, the position is
12 described in this paragraph unless it is reason-
13 able to believe that the position would more
14 likely than not be sustained on its merits.

15 “(3) REASONABLE CAUSE EXCEPTION.—No
16 penalty shall be imposed under this subsection if it
17 is shown that there is reasonable cause for the un-
18 derstatement and the tax return preparer acted in
19 good faith.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply—

22 (1) in the case of a position described in sub-
23 paragraph (A) or (B) of section 6694(a)(2) of the
24 Internal Revenue Code of 1986 (as amended by this

1 section), to returns prepared after May 25, 2007,
2 and

3 (2) in the case of a position described in sub-
4 paragraph (C) of such section (as amended by this
5 section), to returns prepared for taxable years end-
6 ing after the date of the enactment of this Act.

7 **SEC. 3. REMOVAL OF CELLULAR TELEPHONES (OR SIMILAR**
8 **TELECOMMUNICATIONS EQUIPMENT) FROM**
9 **LISTED PROPERTY.**

10 (a) IN GENERAL.—Subparagraph (A) of section
11 280F(d)(4) (defining listed property) is amended by in-
12 serting “and” at the end of clause (iv), by striking clause
13 (v), and by redesignating clause (vi) as clause (v).

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall apply to taxable years beginning after
16 December 31, 2008.

17 **SEC. 4. DELAY OF APPLICATION OF WITHHOLDING RE-**
18 **QUIREMENT ON CERTAIN GOVERNMENTAL**
19 **PAYMENTS FOR GOODS AND SERVICES.**

20 (a) IN GENERAL.—Subsection (b) of section 511 of
21 the Tax Increase Prevention and Reconciliation Act of
22 2005 is amended by striking “December 31, 2010” and
23 inserting “December 31, 2011”.

24 (b) REPORT TO CONGRESS.—Not later than 6
25 months after the date of the enactment of this Act, the

1 Secretary of the Treasury shall submit to the Committee
2 on Ways and Means of the House of Representatives and
3 the Committee on Finance of the Senate a report with
4 respect to the withholding requirements of section 3402(t)
5 of the Internal Revenue Code of 1986, including a detailed
6 analysis of—

7 (1) the problems, if any, which are anticipated
8 in administering and complying with such require-
9 ments,

10 (2) the burdens, if any, that such requirements
11 will place on governments and businesses (taking
12 into account such mechanisms as may be necessary
13 to administer such requirements), and

14 (3) the application of such requirements to
15 small expenditures for services and goods by govern-
16 ments.

17 **SEC. 5. ELDERLY AND DISABLED INDIVIDUALS RECEIVING**
18 **IN-HOME CARE UNDER CERTAIN GOVERN-**
19 **MENT PROGRAMS NOT SUBJECT TO EMPLOY-**
20 **MENT TAX PROVISIONS.**

21 (a) IN GENERAL.—Chapter 25 (relating to general
22 provisions relating to employment taxes) is amended by
23 adding at the end the following new section:

1 **“SEC. 3511. ELDERLY AND DISABLED INDIVIDUALS RECEIV-**
2 **ING IN-HOME CARE UNDER CERTAIN GOV-**
3 **ERNMENT PROGRAMS.**

4 “(a) IN GENERAL.—In the case of amounts paid
5 under a home care service program to a home care service
6 provider by the fiscal administrator of such program—

7 “(1) the home care service recipient shall not be
8 liable for the payment of any taxes imposed under
9 this subtitle with respect to amounts paid for the
10 provision of services under such program, and

11 “(2) the fiscal administrator shall be so liable.

12 “(b) DEFINITIONS.—For purposes of this section—

13 “(1) HOME CARE SERVICE PROGRAM.—The
14 term ‘home care service program’ means a State or
15 local government program—

16 “(A) any portion of which is funded with
17 Federal funds, and

18 “(B) under which domestic services are
19 provided to elderly or disabled individuals in
20 their homes.

21 Such term shall not include any program to the ex-
22 tent home care service recipients make payments to
23 the home care service providers for such in-home do-
24 mestic services.

25 “(2) HOME CARE SERVICE PROVIDER.—The
26 term ‘home care service provider’ means any indi-

1 vidual who provides domestic services to a home care
2 service recipient under a home care service program.

3 “(3) HOME CARE SERVICE RECIPIENT.—The
4 term ‘home care service recipient’ means any indi-
5 vidual receiving domestic services under a home care
6 service program.

7 “(4) FISCAL ADMINISTRATOR.—The term ‘fiscal
8 administrator’ means any person or governmental
9 entity who pays amounts under a home care service
10 program to home care service providers for the pro-
11 vision of domestic services under such program.

12 “(c) RETURNS BY FISCAL ADMINISTRATOR.—For
13 purposes of this section—

14 “(1) IN GENERAL.—Returns relating to taxes
15 imposed or amounts required to be withheld under
16 this subtitle shall be made under the identifying
17 number of the fiscal administrator.

18 “(2) IDENTIFICATION OF SERVICE RECIPI-
19 ENT.—The fiscal administrator shall, to the extent
20 required under regulations prescribed by the Sec-
21 retary, make a return setting forth—

22 “(A) the name, address, and identifying
23 number of each home care service recipient for
24 whom amounts are paid by such fiscal adminis-

1 **SEC. 6. REFERRALS TO LOW-INCOME TAXPAYER CLINICS**
2 **PERMITTED.**

3 (a) IN GENERAL.—Subsection (c) of section 7526 of
4 the Internal Revenue Code of 1986 is amended by adding
5 at the end the following new paragraph:

6 “(6) TREASURY EMPLOYEES PERMITTED TO
7 REFER TAXPAYERS TO QUALIFIED LOW-INCOME TAX-
8 PAYER CLINICS.—Notwithstanding any other provi-
9 sion of law, officers and employees of the Depart-
10 ment of the Treasury may refer taxpayers for advice
11 and assistance to qualified low-income taxpayer clin-
12 ics receiving funding under this section.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall apply to referrals made after the date
15 of the enactment of this Act.

16 **SEC. 7. PROGRAMS FOR THE BENEFIT OF LOW-INCOME**
17 **TAXPAYERS.**

18 (a) VOLUNTEER INCOME TAX ASSISTANCE PRO-
19 GRAMS.—Chapter 77 (relating to miscellaneous provi-
20 sions) is amended by inserting after section 7526 the fol-
21 lowing new section:

22 **“SEC. 7526A. VOLUNTEER INCOME TAX ASSISTANCE PRO-**
23 **GRAMS.**

24 “(a) IN GENERAL.—The Secretary may, subject to
25 the availability of appropriated funds, make grants to pro-

1 vide matching funds for the development, expansion, or
2 continuation of volunteer income tax assistance programs.

3 “(b) VOLUNTEER INCOME TAX ASSISTANCE PRO-
4 GRAM.—For purposes of this section, the term ‘volunteer
5 income tax assistance program’ means a program—

6 “(1) which does not charge taxpayers for its re-
7 turn preparation services,

8 “(2) which operates programs to assist low and
9 moderate-income (as determined by the Secretary)
10 taxpayers in preparing and filing their Federal in-
11 come tax returns, and

12 “(3) in which all of the volunteers who assist in
13 the preparation of Federal income tax returns meet
14 the requirements prescribed by the Secretary.

15 “(c) SPECIAL RULES AND LIMITATIONS.—

16 “(1) AGGREGATE LIMITATION.—Unless other-
17 wise provided by specific appropriation, the Sec-
18 retary shall not allocate more than \$10,000,000 per
19 year (exclusive of costs of administering the pro-
20 gram) to grants under this section.

21 “(2) OTHER APPLICABLE RULES.—Rules simi-
22 lar to the rules under paragraphs (2) through (6) of
23 section 7526(c) shall apply with respect to the
24 awarding of grants to volunteer income tax assist-
25 ance programs.”.

1 (b) INCREASE IN AUTHORIZED GRANTS FOR LOW-IN-
2 COME TAXPAYER CLINICS.—Paragraph (1) of section
3 7526(c) (relating to aggregate limitation) is amended by
4 striking “\$6,000,000” and inserting “\$10,000,000”.

5 (c) CLERICAL AMENDMENTS.—

6 (1) Section 7526(c)(5) is amended by striking
7 the last sentence by inserting “qualified” before
8 “low-income”.

9 (2) The table of sections for chapter 77 is
10 amended by inserting after the item relating to sec-
11 tion 7526 the following new item:

“Sec. 7526A. Volunteer income tax assistance program.”.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the date of the enactment
14 of this Act.

15 **SEC. 8. EITC OUTREACH.**

16 (a) IN GENERAL.—Section 32 (relating to earned in-
17 come) is amended by adding at the end the following new
18 subsection:

19 “(n) NOTIFICATION OF POTENTIAL ELIGIBILITY FOR
20 CREDIT AND REFUND.—

21 “(1) IN GENERAL.—To the extent possible and
22 on an annual basis, the Secretary shall provide to
23 each taxpayer who—

1 “(A) for any preceding taxable year for
2 which credit or refund is not precluded by sec-
3 tion 6511, and

4 “(B) did not claim the credit under sub-
5 section (a) but may be allowed such credit for
6 any such taxable year based on return or return
7 information (as defined in section 6103(b))
8 available to the Secretary,
9 notice that such taxpayer may be eligible to claim
10 such credit and a refund for such taxable year.

11 “(2) NOTICE.—Notice provided under para-
12 graph (1) shall be in writing and sent to the last
13 known address of the taxpayer.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall take effect on the date of the enactment
16 of this Act.

17 **SEC. 9. PROHIBITION ON IRS DEBT INDICATORS FOR PRED-**
18 **ATORY REFUND ANTICIPATION LOANS.**

19 (a) IN GENERAL.—Subsection (f) of section 6011 (re-
20 lating to promotion of electronic filing) is amended by add-
21 ing at the end the following new paragraph:

22 “(3) PROHIBITION ON IRS DEBT INDICATORS
23 FOR PREDATORY REFUND ANTICIPATION LOANS.—

24 “(A) IN GENERAL.—In carrying out any
25 program under this subsection, the Secretary

1 shall not provide a debt indicator to any person
2 with respect to any refund anticipation loan if
3 the Secretary determines that the business
4 practices of such person involve refund anticipa-
5 tion loans and related charges and fees that are
6 predatory.

7 “(B) REFUND ANTICIPATION LOAN.—For
8 purposes of this paragraph, the term ‘refund
9 anticipation loan’ means a loan of money or of
10 any other thing of value to a taxpayer secured
11 by the taxpayer’s anticipated receipt of a Fed-
12 eral tax refund.

13 “(C) IRS DEBT INDICATOR.—For purposes
14 of this paragraph, the term ‘debt indicator’
15 means a notification provided through a tax re-
16 turn’s acknowledgment file that a refund will be
17 offset to repay debts for delinquent Federal or
18 State taxes, student loans, child support, or
19 other Federal agency debt.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall take effect on the date of the enactment
22 of this Act.

23 **SEC. 10. STUDY ON DELIVERY OF TAX REFUNDS.**

24 (a) IN GENERAL.—The Secretary of the Treasury, in
25 consultation with the National Taxpayer Advocate, shall

1 conduct a study on the feasibility of delivering tax refunds
2 on debit cards, prepaid cards, and other electronic means
3 to assist individuals that do not have access to financial
4 accounts or institutions.

5 (b) REPORT.—Not later than 1 year after the date
6 of the enactment of this Act, the Secretary of the Treasury
7 shall submit a report to Congress containing the results
8 of the study conducted under subsection (a).

9 **SEC. 11. EXTENSION OF TIME FOR RETURN OF PROPERTY**
10 **FOR WRONGFUL LEVY.**

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

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

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

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

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

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

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

5 **SEC. 12. INDIVIDUALS HELD HARMLESS ON WRONGFUL**
6 **LEVY, ETC., ON INDIVIDUAL RETIREMENT**
7 **PLAN.**

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

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

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

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

19 “(B) interest paid under subsection (c) on
20 such amount of money,

21 may be deposited into such individual retirement
22 plan or any other individual retirement plan (other
23 than an endowment contract) to which a rollover
24 from the plan levied upon is permitted. An amount
25 may not be deposited into a Roth IRA under the

1 preceding sentence unless the individual retirement
2 plan levied upon was a Roth IRA at the time of such
3 levy.

4 “(2) TREATMENT AS ROLLOVER.—If amounts
5 are deposited into an individual retirement plan
6 under paragraph (1) not later than the 60th day
7 after the date on which the individual receives the
8 amounts under paragraph (1)—

9 “(A) such deposit shall be treated as a
10 rollover described in section 408(d)(3)(A)(i),

11 “(B) to the extent the deposit includes in-
12 terest paid under subsection (c), such interest
13 shall not be includible in gross income, and

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

16 For purposes of subparagraph (B), an amount shall
17 be treated as interest only to the extent that the
18 amount deposited exceeds the amount of the levy.

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

1 lected shall be credited or refunded as an overpay-
2 ment made on the due date for filing the return of
3 tax for such taxable year.

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

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

14 **SEC. 13. TAXPAYER NOTIFICATION OF SUSPECTED IDEN-**
15 **TITY THEFT.**

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. 7529. NOTIFICATION OF SUSPECTED IDENTITY**
20 **THEFT.**

21 “If, in the course of an investigation under the inter-
22 nal revenue laws, the Secretary determines that there was
23 or may have been an unauthorized use of the identity of
24 the taxpayer or a dependent of the taxpayer, the Secretary
25 shall, to the extent permitted by law—

1 (4) The table of sections for subchapter A of
2 chapter 64 is amended by striking the item relating
3 to section 6306.

4 (5) The table of sections for subchapter B of
5 chapter 76 is amended by striking the item relating
6 to section 7433A.

7 (c) EFFECTIVE DATE.—

8 (1) IN GENERAL.—Except as otherwise pro-
9 vided in this subsection, the amendments made by
10 this section shall take effect on the date of the en-
11 actment of this Act.

12 (2) EXCEPTION FOR EXISTING CONTRACTS,
13 ETC.—The amendments made by this section shall
14 not apply to any contract which was entered into be-
15 fore July 18, 2007, and is not renewed or extended
16 on or after March 1, 2008.

17 (3) UNAUTHORIZED CONTRACTS AND EXTEN-
18 SIONS TREATED AS VOID.—Any qualified tax collec-
19 tion contract (as defined in section 6306 of the In-
20 ternal Revenue Code of 1986, as in effect before its
21 repeal) which is entered into on or after July 18,
22 2007, and any extension or renewal on or after
23 March 1, 2008, of any qualified tax collection con-
24 tract (as so defined) shall be void.

1 **SEC. 15. CLARIFICATION OF IRS UNCLAIMED REFUND AU-**
2 **THORITY.**

3 Paragraph (1) of section 6103(m) (relating to tax re-
4 funds) is amended by inserting “, and through any other
5 means of mass communication,” after “media”.

6 **SEC. 16. PROHIBITION ON MISUSE OF DEPARTMENT OF**
7 **THE TREASURY NAMES AND SYMBOLS.**

8 (a) IN GENERAL.—Subsection (a) of section 333 of
9 title 31, United States Code, is amended by inserting
10 “Internet domain address,” after “solicitation,” both
11 places it appears.

12 (b) PENALTY FOR MISUSE BY ELECTRONIC
13 MEANS.—Subsections (c)(2) and (d)(1) of section 333 of
14 such Code are each amended by inserting “or any other
15 mass communications by electronic means,” after “tele-
16 cast,”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply with respect to violations occurring
19 after the date of the enactment of this Act.

20 **SEC. 17. SUBSTANTIATION OF AMOUNTS PAID OR DISTRIB-**
21 **UTED OUT OF HEALTH SAVINGS ACCOUNT.**

22 (a) IN GENERAL.—Paragraph (1) of section 223(f)
23 (relating to amounts used for qualified medical expenses)
24 is amended by inserting “(and substantiated in a manner
25 similar to the substantiation required for flexible spending
26 arrangements)” after “account beneficiary”.

1 (b) REPORTS.—Subsection (h) of section 223 (relat-
2 ing to reports) is amended—

3 (1) by redesignating paragraphs (1) and (2) as
4 subparagraphs (A) and (B), respectively,

5 (2) by moving the text of subparagraphs (A)
6 and (B) (as so redesignated) and the last sentence
7 2 ems to the right,

8 (3) by striking “(h) REPORTS.—The Secretary
9 may require—” and inserting the following:

10 “(h) REPORTS.—

11 “(1) IN GENERAL.—The Secretary may re-
12 quire—”, and

13 (4) by adding at the end the following new
14 paragraph:

15 “(2) RELATING TO SUBSTANTIATION.—Not
16 later than January 15 of each calendar year, the
17 trustee of a health savings account shall make a re-
18 port regarding such account to the Secretary and
19 the account beneficiary setting forth—

20 “(A) the name, address, and identifying
21 number of the account beneficiary, and

22 “(B) the amount paid or distributed out of
23 such account for the preceding calendar year
24 not substantiated in accordance with subsection
25 (f)(1).”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to amounts paid or
3 distributed out of health savings accounts after December
4 31, 2008.

5 **SEC. 18. INCREASE IN INFORMATION RETURN PENALTIES.**

6 (a) FAILURE TO FILE CORRECT INFORMATION RE-
7 TURNS.—

8 (1) IN GENERAL.—Subsections (a)(1),
9 (b)(1)(A), and (b)(2)(A) of section 6721 are each
10 amended by striking “\$50” and inserting “\$100”.

11 (2) AGGREGATE ANNUAL LIMITATION.—Sub-
12 sections (a)(1), (d)(1)(A), and (e)(3)(A) of section
13 6721 are each amended by striking “\$250,000” and
14 inserting “\$1,500,000”.

15 (b) REDUCTION WHERE CORRECTION WITHIN 30
16 DAYS.—

17 (1) IN GENERAL.—Subparagraph (A) of section
18 6721(b)(1) is amended by striking “\$15” and insert-
19 ing “\$25”.

20 (2) AGGREGATE ANNUAL LIMITATION.—Sub-
21 sections (b)(1)(B) and (d)(1)(B) of section 6721 are
22 each amended by striking “\$75,000” and inserting
23 “\$250,000”.

24 (c) REDUCTION WHERE CORRECTION ON OR BEFORE
25 AUGUST 1.—

1 (1) IN GENERAL.—Subparagraph (A) of section
2 6721(b)(2) is amended by striking “\$30” and insert-
3 ing “\$60”.

4 (2) AGGREGATE ANNUAL LIMITATION.—Sub-
5 sections (b)(2)(B) and (d)(1)(C) of section 6721 are
6 each amended by striking “\$150,000” and inserting
7 “\$500,000”.

8 (d) AGGREGATE ANNUAL LIMITATIONS FOR PER-
9 SONS WITH GROSS RECEIPTS OF NOT MORE THAN
10 \$5,000,000.—Paragraph (1) of section 6721(d) is amend-
11 ed—

12 (1) by striking “\$100,000” in subparagraph
13 (A) and inserting “\$500,000”,

14 (2) by striking “\$25,000” in subparagraph (B)
15 and inserting “\$75,000”, and

16 (3) by striking “\$50,000” in subparagraph (C)
17 and inserting “\$200,000”.

18 (e) PENALTY IN CASE OF INTENTIONAL DIS-
19 REGARD.—Paragraph (2) of section 6721(e) is amended
20 by striking “\$100” and inserting “\$250”.

21 (f) FAILURE TO FURNISH CORRECT PAYEE STATE-
22 MENTS.—

23 (1) IN GENERAL.—Subsection (a) of section
24 6722 is amended by striking “\$50” and inserting
25 “\$100”.

1 (2) AGGREGATE ANNUAL LIMITATION.—Sub-
2 sections (a) and (c)(2)(A) of section 6722 are each
3 amended by striking “\$100,000” and inserting
4 “\$1,500,000”.

5 (3) PENALTY IN CASE OF INTENTIONAL DIS-
6 REGARD.—Paragraph (1) of section 6722(c) is
7 amended by striking “\$100” and inserting “\$250”.

8 (g) FAILURE TO COMPLY WITH OTHER INFORMA-
9 TION REPORTING REQUIREMENTS.—Section 6723 is
10 amended—

11 (1) by striking “\$50” and inserting “\$100”,
12 and

13 (2) by striking “\$100,000” and inserting
14 “\$1,500,000”.

15 (h) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to information returns
17 required to be filed after December 31, 2008.

18 **SEC. 19. INCREASE IN PENALTY FOR FAILURE TO FILE**
19 **PARTNERSHIP RETURNS.**

20 Section 6698 is amended by adding at the end the
21 following new subsection:

22 “(e) MODIFICATIONS.—In the case of any return re-
23 quired to be filed after December 31, 2008, the dollar
24 amount in effect under subsection (b)(1) shall be increased
25 by \$15.”.

1 **SEC. 20. INCREASE IN PENALTY FOR FAILURE TO FILE S**
2 **CORPORATION RETURN.**

3 Section 6699 is amended by adding at the end the
4 following new subsection:

5 “(e) MODIFICATIONS.—In the case of any return re-
6 quired to be filed after December 31, 2008, the dollar
7 amount in effect under subsection (b)(1) shall be increased
8 by \$15.”.

9 **SEC. 21. TIME FOR PAYMENT OF CORPORATE ESTIMATED**
10 **TAX.**

11 The percentage under subparagraph (C) of section
12 401(1) of the Tax Increase Prevention and Reconciliation
13 Act of 2005 in effect on the date of the enactment of this
14 Act is increased by 0.25 percentage points.

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