

*Max Baucus*

**PENDING**

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To exempt certain amounts subject to other information reporting from the information reporting provisions of the Patient Protection and Affordable Care Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

**H. R. 5297**

To	AMENDMENT NO. 4595	n
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ir	By <i>Rand for Nelson (RE)</i>	raise
tl	no. <i>Amct. No. 4594</i>	end
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Refe	7 Page(s)	and

GPO: 2008 45-603 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_  
to the amendment (No. \_\_\_\_\_)  
) proposed by \_\_\_\_\_

Viz:

- 1 At the end of subtitle B of title II, add the following:
- 2 **PART V—ADDITIONAL PROVISIONS**
- 3 **SEC. \_\_\_\_ . CERTAIN EXCEPTIONS TO INFORMATION RE-**
- 4 **PORTING PROVISIONS.**
- 5 (a) IN GENERAL.—Section 6041 of the Internal Rev-
- 6 enue Code of 1986, as amended by section 9006 of the
- 7 Patient Protection and Affordable Care Act and section

1 2101 of this Act, is amended by redesignating subsection  
 2 (j) as subsection (k) and inserting after subsection (i) the  
 3 following new subsection:

4       “(j) COORDINATION WITH RETURNS RELATING TO  
 5 PAYMENT CARD AND THIRD PARTY NETWORK TRANS-  
 6 ACTIONS.—This section shall not apply to any amount  
 7 with respect to which a return is required to be made  
 8 under section 6050W.”.

9       (b) INCREASE IN THRESHOLD AMOUNT AND EXEMP-  
 10 TION FOR SMALL EMPLOYERS FOR REPORTING OF <sup>Certain</sup> PAY-  
 11 MENTS ~~RELATING TO PROPERTY~~.—Subsection (a) of sec-  
 12 tion 6041 of the Internal Revenue Code of 1986, as  
 13 amended by the Patient Protection and Affordable Care  
 14 Act, is amended by adding at the end the following new  
 15 sentences: “In the case of payments in consideration of  
 16 property, this subsection shall be applied by substituting  
 17 ‘\$5,000’ for ‘\$600’ and this subsection shall not apply in  
 18 the case of any person employing not more than 25 em-  
 19 ployees at any time during the taxable year. For purposes  
 20 of the <sup>two immediately</sup> preceding sentence<sup>s</sup>, all persons treated as a single  
 21 employer under subsection (b), (c), (m), or (o) of section  
 22 414 shall be treated as one employer.”.

23       (c) REGULATORY AUTHORITY.—Subsection (k) of  
 24 section 6041 of the Internal Revenue Code of 1986, as  
 25 redesignated by subsection (a), is amended by striking

In the case of any payment to a corporation which is not an organization exempt from tax under section 501(a), this subsection shall not apply in the case of any person employing not more than 25 employees at any time during the taxable year.

1 “including” and all that follows and inserting “includ-  
2 ing—

3 “(1) rules to prevent duplicative reporting of  
4 transactions, and

5 “(2) rules which identify, and provide excep-  
6 tions for, payments which bear minimal risk of non-  
7 compliance.”.

8 (d) EFFECTIVE DATES.—

9 (1) IN GENERAL.—Except as provided in para-  
10 graph (2), the amendments made by this section  
11 shall apply to amounts with respect to which a re-  
12 turn is required to be made in calendar years begin-  
13 ning after December 31, 2010.

14 (2) PROPERTY THRESHOLD.—The amendment  
15 made by subsection (b) shall apply as if included in  
16 the amendments made by section 9006 of the Pa-  
17 tient Protection and Affordable Care Act.

18 (e) PUBLIC COMMENTS AND SUGGESTIONS.—In  
19 order to minimize the burden on small businesses and to  
20 avoid duplicative information reporting by small busi-  
21 nesses, the Secretary of the Treasury or the Secretary’s  
22 designee is directed to request and consider comments and  
23 suggestions from the public concerning implementation  
24 and administration of the amendments made by section

1 9006 of the Patient Protection and Affordable Care Act,  
2 including—

3 (1) the appropriate scope of the terms “gross  
4 proceeds” and “amounts in consideration for prop-  
5 erty” in section 6041(a) of the Internal Revenue  
6 Code of 1986, as amended by such section 9006,

7 (2) whether or how the reporting requirements  
8 should apply to payments between affiliated corpora-  
9 tions, including payments related to intercompany  
10 transactions within the same consolidated group,

11 (3) the appropriate time and manner of report-  
12 ing to the Internal Revenue Service, and whether,  
13 and what, changes to existing procedures, forms,  
14 and software for filing information returns are need-  
15 ed, including electronic filing of information returns  
16 to the Internal Revenue Service,

17 (4) whether, and what, changes to existing pro-  
18 cedures and forms to acquire taxpayer identification  
19 numbers are needed, and

20 (5) how back-up withholding requirements  
21 should apply.

22 (f) **TIMELY GUIDANCE.**—The Secretary of the Treas-  
23 ury is directed to issue timely guidance that will imple-  
24 ment and administer the amendments made by section  
25 9006 of the Patient Protection and Affordable Care Act

1 in a manner that minimizes the burden on small busi-  
2 nesses and avoids duplicative reporting by small busi-  
3 nesses.

4 (g) REPORTS TO CONGRESS.—

5 (1) IN GENERAL.—Prior to the effective date of  
6 the amendments made by section 9006 of the Pa-  
7 tient Protection and Affordable Care Act, the Sec-  
8 retary of the Treasury shall report quarterly to Con-  
9 gress concerning the steps taken to implement such  
10 amendments, including ways to limit compliance  
11 burdens and to avoid duplicative reporting. Such re-  
12 ports shall include—

13 (A) a description of actions taken to mini-  
14 mize, reduce or eliminate burdens associated  
15 with information reporting by small businesses,  
16 and

17 (B) a description of business transactions  
18 exempted from reporting requirements to avoid  
19 duplicative reporting or because such trans-  
20 actions represent minimal compliance risk.

21 (2) COMPARISON.—Not later than 6 months  
22 prior to the effective date of the amendments made  
23 by section 9006 of the Patient Protection and Af-  
24 fordable Care Act, the Secretary of the Treasury  
25 shall report to Congress a comparison of the ex-

1       pected compliance requirements after the implemen-  
2       tation of such amendments to the compliance re-  
3       quirements under section 6041 of the Internal Rev-  
4       enue Code of 1986 prior to the effective date of such  
5       amendments.

6 **SEC. \_\_\_\_ . DENIAL OF DEDUCTION FOR MAJOR INTE-**  
7                   **GRATED OIL COMPANIES FOR INCOME AT-**  
8                   **TRIBUTABLE TO DOMESTIC PRODUCTION OF**  
9                   **OIL, GAS, OR PRIMARY PRODUCTS THEREOF.**

10       (a) **IN GENERAL.**—Subparagraph (B) of section  
11 199(c)(4) of the Internal Revenue Code of 1986 is amend-  
12 ed by striking “or” at the end of clause (ii), by striking  
13 the period at the end of clause (iii) and inserting “, or”,  
14 and by inserting after clause (iii) the following new clause:

15                   “(iv) in the case of a taxpayer which  
16                   is a major integrated oil company (as de-  
17                   fined in section 167(h)(5)(B)), oil related  
18                   qualified production activities (within the  
19                   meaning of subsection (d)(9)(B)).”.

20       (b) **CONFORMING AMENDMENT.**—Section  
21 199(d)(9)(A) of the Internal Revenue Code of 1986 is  
22 amended by inserting “(other than a major integrated oil  
23 company (as defined in section 167(h)(5)(B))” after “tax-  
24 payer”.

1       (c) **EFFECTIVE DATE.**—The amendments made by  
2 this section shall apply to taxable years beginning after  
3 December 31, 2010.