

In the Senate of the United States,

July 29, 2014.

Resolved, That the bill from the House of Representatives (H.R. 5021) entitled “An Act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“Highway and Transportation Funding Act of 2014”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
5 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION

Subtitle A—Federal-aid Highways

Sec. 1001. Extension of Federal-aid highway programs.

Subtitle B—Extension of Highway Safety Programs

Sec. 1101. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 1102. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 1103. Dingell-Johnson Sport Fish Restoration Act.

Subtitle C—Public Transportation Programs

Sec. 1201. Public transportation programs continuation.

Subtitle D—Hazardous Materials

Sec. 1301. Extension of hazardous materials programs.

TITLE II—REVENUE PROVISIONS

Sec. 2001. Extension of Highway Trust Fund expenditure authority.

Sec. 2002. Funding of Highway Trust Fund.

Sec. 2003. Additional information on returns relating to mortgage interest.

Sec. 2004. Penalty for failure to meet due diligence requirements for the child tax credit.

Sec. 2005. Clarification of 6-year statute of limitations in case of overstatement of basis.

Sec. 2006. 100 percent continuous levy on payment to medicare providers and suppliers.

Sec. 2007. Modification of tax exemption requirements for mutual ditch or irrigation companies.

Sec. 2008. Equalization of excise tax on liquefied natural gas and liquefied petroleum gas.

Sec. 2009. Extension of customs user fees.

TITLE III—BUDGETARY PROVISIONS

Sec. 301. Treatment for PAYGO purposes.

1 SEC. 2. DEFINITIONS.

2 *In this Act and the amendments made by this Act:*

3 (1) *MAP-21.*—*The term “MAP-21” means the*
 4 *Moving Ahead for Progress in the 21st Century Act*
 5 *(Public Law 112-141; 126 Stat. 405).*

6 (2) *PART-YEAR EXTENSION PERIOD.*—*The term*
 7 *“Part-Year Extension Period” means the period be-*
 8 *ginning on October 1, 2014, and ending on the Part-*
 9 *Year Funding Date.*

1 (3) *PART-YEAR FUNDING DATE.*—*The term*
 2 *“Part-Year Funding Date” means December 19, 2014.*

3 (4) *PART-YEAR RATIO.*—*The term “Part-Year*
 4 *Ratio” means the ratio calculated by dividing—*

5 *(A) the number of days included in the pe-*
 6 *riod beginning on October 1, 2014, and ending*
 7 *on the Part-Year Funding Date; by*

8 *(B) 365.*

9 (5) *SAFETEA-LU.*—*The term “SAFETEA-*
 10 *LU” means the Safe, Accountable, Flexible, Efficient*
 11 *Transportation Equity Act: A Legacy for Users (Pub-*
 12 *lic Law 109–59; 119 Stat. 1144).*

13 ***TITLE I—SURFACE TRANSPOR-***
 14 ***TATION PROGRAM EXTEN-***
 15 ***SION***

16 ***Subtitle A—Federal-aid Highways***

17 ***SEC. 1001. EXTENSION OF FEDERAL-AID HIGHWAY PRO-***
 18 ***GRAMS.***

19 (a) *IN GENERAL.*—*Except as otherwise provided in*
 20 *this subtitle, requirements, authorities, conditions, eligi-*
 21 *bilities, limitations, and other provisions authorized under*
 22 *divisions A and E of MAP–21 (Public Law 112–141), the*
 23 *SAFETEA-LU Technical Corrections Act of 2008 (Public*
 24 *Law 110–244), titles I, V, and VI of SAFETEA-LU (Pub-*
 25 *lic Law 109–59), titles I and V of the Transportation Eq-*

1 *uity Act for the 21st Century (Public Law 105–178), the*
 2 *National Highway System Designation Act of 1995 (Public*
 3 *Law 104–59), titles I and VI of the Intermodal Surface*
 4 *Transportation Efficiency Act of 1991 (Public Law 102–*
 5 *240), and title 23, United States Code (excluding chapter*
 6 *4 of that title), that would otherwise expire on or cease to*
 7 *apply after September 30, 2014, are incorporated by ref-*
 8 *erence and shall continue in effect through the Part-Year*
 9 *Extension Period.*

10 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 11 *authorized to be appropriated out of the Highway Trust*
 12 *Fund (other than the Mass Transit Account) for the Part-*
 13 *Year Extension Period a sum equal to—*

14 (1) *the total amount authorized to be appro-*
 15 *priated out of the Highway Trust Fund (other than*
 16 *the Mass Transit Account) for programs, projects, and*
 17 *activities for fiscal year 2014 under divisions A and*
 18 *E of MAP–21 and title 23, United States Code (ex-*
 19 *cluding chapter 4 of that title); multiplied by*

20 (2) *the Part-Year Ratio.*

21 (c) *USE OF FUNDS.—*

22 (1) *IN GENERAL.—Except as otherwise expressly*
 23 *provided in this title, funds authorized to be appro-*
 24 *priated under subsection (b) for the Part-Year Exten-*
 25 *sion Period shall be distributed, administered, lim-*

1 *ited, and made available for obligation in the same*
 2 *manner and in the same amounts (as calculated*
 3 *using the Part-Year Ratio) as the funds authorized to*
 4 *be appropriated out of the Highway Trust Fund*
 5 *(other than the Mass Transit Account) for fiscal year*
 6 *2014 to carry out programs, projects, activities, eligi-*
 7 *bilities, and requirements under—*

8 *(A) MAP-21 (Public Law 112-141);*

9 *(B) the SAFETEA-LU Technical Correc-*
 10 *tions Act of 2008 (Public Law 110-244);*

11 *(C) SAFETEA-LU (Public Law 109-59);*

12 *(D) the Transportation Equity Act for the*
 13 *21st Century (Public Law 105-178);*

14 *(E) the National Highway System Designa-*
 15 *tion Act of 1995 (Public Law 104-59);*

16 *(F) the Intermodal Surface Transportation*
 17 *Efficiency Act of 1991 (Public Law 102-240);*

18 *and*

19 *(G) title 23, United States Code (excluding*
 20 *chapter 4 of that title).*

21 *(2) CONTRACT AUTHORITY.—Funds authorized to*
 22 *be appropriated out of the Highway Trust Fund*
 23 *(other than the Mass Transit Account) under this sec-*
 24 *tion shall be—*

1 (A) available for obligation and shall be ad-
 2 ministered in the same manner as if the funds
 3 were apportioned under chapter 1 of title 23,
 4 United States Code; and

5 (B) for the Part-Year Extension Period, ex-
 6 cept as provided in paragraph (3)(B), subject to
 7 the limitation on obligations for Federal-aid
 8 highways and highway safety construction pro-
 9 grams for fiscal year 2015 in paragraph (3)(A)
 10 or an Act making appropriations for fiscal year
 11 2015 or a portion of that fiscal year.

12 (3) OBLIGATION CEILING.—

13 (A) IN GENERAL.—In the absence of an Act
 14 making appropriations for fiscal year 2015 or a
 15 portion of that fiscal year—

16 (i) the annual limitation on obliga-
 17 tions for Federal-aid highway and highway
 18 safety construction programs for fiscal year
 19 2015 shall be equal to that of fiscal year
 20 2014; and

21 (ii) the limitation on obligations shall
 22 be distributed and funding shall be exempt
 23 from the limitation on obligations in the
 24 same manner as for fiscal year 2014

(B) APPLICATION DURING PART-YEAR EXTENSION PERIOD.—

(i) LIMITATION ON OBLIGATIONS.—

During the Part-Year Extension Period, obligations subject to the limitation described in paragraph (2)(B) shall not exceed—

(I) the annual limitation on obligations imposed under that paragraph; multiplied by

(II) the Part-Year Ratio.

(ii) EXEMPT NHPP FUNDS.—During the Part-Year Extension Period, the amount of funds under section 119 of title 23, United States Code, that is exempt from the limitation on obligations imposed under paragraph (2)(B) shall be—

(I) \$639,000,000; multiplied by

(II) the Part-Year Ratio.

(C) CALCULATIONS FOR DISTRIBUTION OF OBLIGATION LIMITATION.—The Secretary of Transportation shall, as necessary for purposes of making the calculations for the distribution of any obligation limitation during the Part-Year Extension Period—

(i) annualize the amount of contract authority provided under this Act for Federal-aid highways and highway safety construction programs; and

(ii) multiply the resulting distribution of obligation limitation by either the Part-Year Ratio or the pro rata for the period of an Act making appropriations for a portion of fiscal year 2015, whichever is applicable.

Subtitle B—Extension of Highway Safety Programs

SEC. 1101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) *IN GENERAL.*—Except as otherwise provided in this section, requirements, authorities, conditions, and other provisions authorized under subtitle A of title I of division C of MAP-21 (Public Law 112-141), section 2009 of SAFETEA-LU (23 U.S.C. 402 note; Public Law 109-59), and chapter 4 of title 23, United States Code, that would otherwise expire on or cease to apply after September 30, 2014, are incorporated by reference and shall continue in effect through the Part-Year Extension Period.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated out of the Highway Trust

1 *Fund (other than the Mass Transit Account) for the Part-*
 2 *Year Extension Period a sum equal to—*

3 (1) *the total amount authorized to be appro-*
 4 *propriated out of the Highway Trust Fund (other than*
 5 *the Mass Transit Account) for programs, projects, and*
 6 *activities for fiscal year 2014 under subtitle A of title*
 7 *I of division C of MAP–21 (Public Law 112–141),*
 8 *section 2009 of SAFETEA–LU (23 U.S.C. 402 note;*
 9 *Public Law 109–59), and chapter 4 of title 23,*
 10 *United States Code; multiplied by*

11 (2) *the Part-Year Ratio.*

12 (c) *USE OF FUNDS.—Funds authorized to appro-*
 13 *propriated or made available for obligation under the author-*
 14 *ity of this section shall be distributed, administered, and*
 15 *made available for obligation in the same manner and at*
 16 *the same rate as funds authorized to be appropriated or*
 17 *made available for fiscal year 2014 to carry out programs,*
 18 *projects and activities under—*

19 (1) *subtitle A of title I of division C of MAP–*
 20 *21 (Public Law 112–141);*

21 (2) *section 2009 of SAFETEA–LU (23 U.S.C.*
 22 *402 note; Public Law 109–59); and*

23 (3) *chapter 4 of title 23, United States Code.*

24 (d) *CONTRACT AUTHORITY.—Section 31101(c) of*
 25 *MAP–21 (126 Stat. 733) is amended by striking “fiscal*

1 *years 2013 and 2014” and inserting “fiscal years 2013,*
 2 *2014, and 2015”.*

3 *(e) LAW ENFORCEMENT CAMPAIGNS.—Section 2009(a)*
 4 *of SAFETEA-LU (23 U.S.C. 402 note; Public Law 109–*
 5 *59) is amended by striking “fiscal years 2013 and 2014”*
 6 *each place it appears and inserting “fiscal years 2013,*
 7 *2014, and 2015”.*

8 **SEC. 1102. EXTENSION OF FEDERAL MOTOR CARRIER SAFE-**
 9 **TY ADMINISTRATION PROGRAMS.**

10 *(a) EXTENSION OF PROGRAMS.—Except as otherwise*
 11 *provided in this section, requirements, authorities, condi-*
 12 *tions, eligibilities, limitations, and other provisions author-*
 13 *ized under title II of division C of MAP-21 (Public Law*
 14 *112–141), title IV of SAFETEA-LU (Public Law 109–59),*
 15 *and part B of subtitle VI of title 49, United States Code,*
 16 *that would otherwise expire on or cease to apply after Sep-*
 17 *tember 30, 2014, are incorporated by reference and shall*
 18 *continue in effect through the Part-Year Extension Period.*

19 *(b) AUTHORIZATION OF APPROPRIATIONS.—There is*
 20 *authorized to be appropriated from the Highway Trust*
 21 *Fund (other than the Mass Transit Account) for the period*
 22 *beginning October 1, 2014, and ending on the Part-Year*
 23 *Funding Date, a sum equal to—*

24 *(1) the total amount authorized to be appro-*
 25 *priated from the Highway Trust Fund (other than*

1 *the Mass Transit Account) for programs, projects, and*
2 *activities for fiscal year 2014 under title II of divi-*
3 *sion C of MAP–21 (Public Law 112–141), title IV of*
4 *SAFETEA–LU (Public Law 109–59), and part B of*
5 *subtitle VI of title 49, United States Code; multiplied*
6 *by*

7 *(2) the Part-Year Ratio.*

8 *(c) CONTRACT AUTHORITY.—Funds authorized to be*
9 *appropriated under this section shall be available for obli-*
10 *gation and shall be administered in the same manner as*
11 *if the funds were authorized by section 4101 of SAFETEA–*
12 *LU (Public Law 109–59) and amendments made by that*
13 *section, as amended by section 32603 of MAP–21 (Public*
14 *Law 112–141), or authorized by section 31104 of title 49,*
15 *United States Code.*

16 *(d) USE OF FUNDS.—Funds authorized to be appro-*
17 *priated or made available for obligation and expended*
18 *under the authority of this section shall be distributed, ad-*
19 *ministered, limited, and made available for obligation in*
20 *the same manner and at the same rate as funds authorized*
21 *to be appropriated or made available for fiscal year 2014*
22 *to carry out programs, projects, activities, eligibilities, and*
23 *requirements under—*

24 *(1) title II of division C of MAP–21 (Public Law*
25 *112–141);*

1 (2) *title IV of SAFETEA-LU (Public Law 109–*
 2 *59); and*

3 (3) *part B of subtitle VI of title 49, United*
 4 *States Code.*

5 **SEC. 1103. DINGELL-JOHNSON SPORT FISH RESTORATION**
 6 **ACT.**

7 *Section 4 of the Dingell-Johnson Sport Fish Restora-*
 8 *tion Act (16 U.S.C. 777c) is amended—*

9 (1) *in subsection (a) in the matter preceding*
 10 *paragraph (1) by striking “2014” and inserting*
 11 *“2015”; and*

12 (2) *in subsection (b)(1)(A) in the first sentence*
 13 *by striking “2014” and inserting “2015”.*

14 ***Subtitle C—Public Transportation***
 15 ***Programs***

16 **SEC. 1201. PUBLIC TRANSPORTATION PROGRAMS CONTINU-**
 17 **ATION.**

18 (a) *EXTENSION FOR PUBLIC TRANSPORTATION PRO-*
 19 *GRAMS.—Except as otherwise provided in this section, re-*
 20 *quirements, authorities, conditions, eligibilities, limita-*
 21 *tions, and other provisions authorized under division B of*
 22 *MAP–21 (Public Law 112–141) and chapter 53 of title 49,*
 23 *United States Code, that would otherwise expire on or cease*
 24 *to apply after September 30, 2014, are incorporated by ref-*

1 *erence and shall continue in effect through the Part-Year*
 2 *Extension Period.*

3 *(b) AUTHORIZATION OF APPROPRIATIONS.—*

4 *(1) MASS TRANSIT ACCOUNT.—There shall be*
 5 *available from the Mass Transit Account of the High-*
 6 *way Trust Fund for the Part-Year Extension Period,*
 7 *a sum equal to—*

8 *(A) the total amount authorized to be ap-*
 9 *propriated out of the Mass Transit Account of*
 10 *the Highway Trust Fund for programs, projects,*
 11 *and activities for fiscal year 2014 authorized*
 12 *under division B of MAP–21 (Public Law 112–*
 13 *141) and under chapter 53 of title 49, United*
 14 *States Code; multiplied by*

15 *(B) the Part-Year Ratio.*

16 *(2) GENERAL FUND.—There is authorized to be*
 17 *appropriated from the general fund of the Treasury*
 18 *for the period beginning October 1, 2014, and ending*
 19 *on the Part-Year Funding Date, a sum equal to—*

20 *(A) the total amount authorized to be ap-*
 21 *propriated from the general fund of the Treasury*
 22 *for programs, projects, and activities for fiscal*
 23 *year 2014 under division B of MAP–21 (Public*
 24 *Law 112–141) and under chapter 53 of title 49,*
 25 *United States Code; multiplied by*

1 (B) *the Part-Year Ratio.*

2 (c) *CONTRACT AUTHORITY.—Funds made available*
 3 *under this section from the Mass Transit Account of the*
 4 *Highway Trust Fund shall be available for obligation in*
 5 *the same manner as set forth in section 5338(j)(1) of title*
 6 *49, United States Code.*

7 (d) *USE OF FUNDS.—Funds authorized to appro-*
 8 *priated or made available for obligation and expended*
 9 *under the authority of this section shall be distributed, ad-*
 10 *ministered, limited, and made available for obligation in*
 11 *the same manner and at the same rate as funds authorized*
 12 *to be appropriated or made available for fiscal year 2014*
 13 *to carry out programs, projects, activities, eligibilities, and*
 14 *requirements under division B of MAP-21 (Public Law*
 15 *112-141) and chapter 53 of title 49, United States Code.*

16 (e) *DISTRIBUTION OF FUNDS UNDER DIVISION B OF*
 17 *MAP-21.—Funds authorized to be appropriated or made*
 18 *available for programs continued under this section shall*
 19 *be distributed to those programs in the same proportion as*
 20 *funds were allocated for those programs for fiscal year 2014.*

21 ***Subtitle D—Hazardous Materials***

22 ***SEC. 1301. EXTENSION OF HAZARDOUS MATERIALS PRO-*** 23 ***GRAMS.***

24 (a) *EXTENSION OF PROGRAMS.—Except as otherwise*
 25 *provided in this section, requirements, authorities, condi-*

1 tions, eligibilities, limitations, and other provisions author-
 2 ized under title III of division C of MAP-21 (Public Law
 3 112-141) and chapter 51 of title 49, United States Code,
 4 that would otherwise expire on or cease to apply after Sep-
 5 tember 30, 2014, are incorporated by reference and shall
 6 continue in effect through the Part-Year Extension Period.

7 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There is
 8 authorized to be appropriated from the general fund of the
 9 Treasury and the Hazardous Materials Emergency Pre-
 10 paredness Fund established under section 5116(i) of title
 11 49, United States Code, for the period beginning October
 12 1, 2014, and ending on the Part-Year Funding Date, an
 13 amount equal to—

14 (1) the total amount authorized to be appro-
 15 priated from the general fund of the Treasury and the
 16 Hazardous Materials Emergency Preparedness Fund
 17 for programs, projects, and activities for fiscal year
 18 2014 under title III of division C of MAP-21 (Public
 19 Law 112-141) and chapter 51 of title 49, United
 20 States Code; multiplied by

21 (2) the Part-Year Ratio.

22 (c) *USE OF FUNDS.*—Funds authorized to be appro-
 23 priated or made available for obligation and expended
 24 under the authority of this section shall be distributed, ad-
 25 ministered, limited, and made available for obligation in

1 *the same manner and at the same rate as funds authorized*
 2 *to be appropriated or made available for fiscal year 2014*
 3 *to carry out programs, projects, activities, eligibilities, and*
 4 *requirements under title III of division C of MAP-21 (Pub-*
 5 *lic Law 112-141) and chapter 51 of title 49, United States*
 6 *Code.*

7 ***TITLE II—REVENUE PROVISIONS***

8 ***SEC. 2001. EXTENSION OF HIGHWAY TRUST FUND EXPENDI-*** 9 ***TURE AUTHORITY.***

10 *(a) HIGHWAY TRUST FUND.—Section 9503 of the In-*
 11 *ternal Revenue Code of 1986 is amended—*

12 *(1) by striking “October 1, 2014” in subsections*
 13 *(b)(6)(B), (c)(1), and (e)(3) and inserting “December*
 14 *20, 2014”, and*

15 *(2) by striking “MAP-21” in subsections (c)(1)*
 16 *and (e)(3) and inserting “Highway and Transpor-*
 17 *tation Funding Act of 2014”.*

18 *(b) SPORT FISH RESTORATION AND BOATING TRUST*
 19 *FUND.—Section 9504 of the Internal Revenue Code of 1986*
 20 *is amended—*

21 *(1) by striking “MAP-21” each place it appears*
 22 *in subsection (b)(2) and inserting “Highway and*
 23 *Transportation Funding Act of 2014”, and*

24 *(2) by striking “October 1, 2014” in subsection*
 25 *(d)(2) and inserting “December 20, 2014”.*

1 (c) *LEAKING UNDERGROUND STORAGE TANK TRUST*
 2 *FUND.*—Paragraph (2) of section 9508(e) of the Internal
 3 Revenue Code of 1986 is amended by striking “October 1,
 4 2014” and inserting “December 20, 2014”.

5 **SEC. 2002. FUNDING OF HIGHWAY TRUST FUND.**

6 (a) *IN GENERAL.*—Subsection (f) of section 9503 of the
 7 Internal Revenue Code of 1986 is amended by redesignating
 8 paragraph (5) as paragraph (7) and by inserting after
 9 paragraph (4) the following new paragraphs:

10 “(A) \$5,633,000,000 to the Highway Ac-
 11 count (as defined in subsection (e)(5)(B)) in the
 12 Highway Trust Fund; and

13 “(B) \$1,500,000,000 to the Mass Transit
 14 Account in the Highway Trust Fund.

15 “(6) *ADDITIONAL INCREASE IN FUND BAL-*
 16 *ANCE.*—There is hereby transferred to the Highway
 17 Account (as defined in subsection (e)(5)(B)) in the
 18 Highway Trust Fund amounts appropriated from the
 19 Leaking Underground Storage Tank Trust Fund
 20 under section 9508(c)(3).”.

21 (b) *APPROPRIATION FROM LEAKING UNDERGROUND*
 22 *STORAGE TANK TRUST FUND.*—

23 (1) *IN GENERAL.*—Subsection (c) of section 9508
 24 of the Internal Revenue Code of 1986 is amended by
 25 adding at the end the following new paragraph:

1 “(3) *ADDITIONAL TRANSFER TO HIGHWAY TRUST*
 2 *FUND.—Out of amounts in the Leaking Underground*
 3 *Storage Tank Trust Fund there is hereby appro-*
 4 *propriated \$1,000,000,000 to be transferred under section*
 5 *9503(f)(6) to the Highway Account (as defined in sec-*
 6 *tion 9503(e)(5)(B)) in the Highway Trust Fund.”.*

7 (2) *CONFORMING AMENDMENT.—Section*
 8 *9508(c)(1) of the Internal Revenue Code of 1986 is*
 9 *amended by striking “paragraph (2)” and inserting*
 10 *“paragraphs (2) and (3)”.*

11 **SEC. 2003. ADDITIONAL INFORMATION ON RETURNS RELAT-**
 12 **ING TO MORTGAGE INTEREST.**

13 (a) *IN GENERAL.—Paragraph (2) of section 6050H(b)*
 14 *of the Internal Revenue Code of 1986 is amended by strik-*
 15 *ing “and” at the end of subparagraph (C), by redesignating*
 16 *subparagraph (D) as subparagraph (I), and by inserting*
 17 *after subparagraph (C) the following new subparagraphs:*

18 “(D) *the unpaid balance with respect to*
 19 *such mortgage at the close of the calendar year,*

20 “(E) *the address of the property securing*
 21 *such mortgage,*

22 “(F) *information with respect to whether*
 23 *the mortgage is a refinancing that occurred in*
 24 *such calendar year,*

1 “(G) the amount of real estate taxes paid
2 from an escrow account with respect to the prop-
3 erty securing such mortgage,

4 “(H) the date of the origination of such
5 mortgage, and”.

6 (b) *PAYEE STATEMENTS*.—Subsection (d) of section
7 6050H of the Internal Revenue Code of 1986 is amended
8 by striking “and” at the end of paragraph (1), by striking
9 the period at the end of paragraph (2) and inserting “,
10 and”, and by inserting after paragraph (2) the following
11 new paragraph:

12 “(3) the information required to be included on
13 the return under subparagraphs (D), (E), (F), (G)
14 and (H) of subsection (b)(2).”.

15 (c) *EFFECTIVE DATE*.—The amendments made by this
16 section shall apply to returns and statements the due date
17 for which (determined without regard to extensions) is after
18 December 31, 2015.

19 **SEC. 2004. PENALTY FOR FAILURE TO MEET DUE DILI-**
20 **GENCE REQUIREMENTS FOR THE CHILD TAX**
21 **CREDIT.**

22 (a) *IN GENERAL*.—Section 6695 of the Internal Rev-
23 enue Code of 1986 is amended by adding at the end the
24 following new subsection:

1 “(h) *FAILURE TO BE DILIGENT IN DETERMINING ELI-*
 2 *GIBILITY FOR CHILD TAX CREDIT.*—Any person who is a
 3 tax return preparer with respect to any return or claim
 4 for refund who fails to comply with due diligence require-
 5 ments imposed by the Secretary by regulations with respect
 6 to determining eligibility for, or the amount of, the credit
 7 allowable by section 24 shall pay a penalty of \$500 for each
 8 such failure.”.

9 (b) *EFFECTIVE DATE.*—The amendment made by this
 10 section shall apply to taxable years beginning after Decem-
 11 ber 31, 2014.

12 **SEC. 2005. CLARIFICATION OF 6-YEAR STATUTE OF LIMITA-**
 13 **TIONS IN CASE OF OVERSTATEMENT OF**
 14 **BASIS.**

15 (a) *IN GENERAL.*—Subparagraph (B) of section
 16 6501(e)(1) of the Internal Revenue Code of 1986 is amend-
 17 ed—

18 (1) by striking “and” at the end of clause (i), by
 19 redesignating clause (ii) as clause (iii), and by insert-
 20 ing after clause (i) the following new clause:

21 “(ii) An understatement of gross in-
 22 come by reason of an overstatement of unre-
 23 covered cost or other basis is an omission
 24 from gross income; and”,

1 (2) by inserting “(other than in the case of an
2 overstatement of unrecovered cost or other basis)” in
3 clause (iii) (as so redesignated) after “In determining
4 the amount omitted from gross income”, and

5 (3) by inserting “AMOUNT OMITTED FROM” after
6 “DETERMINATION OF” in the heading thereof.

7 (b) *EFFECTIVE DATE.*—The amendments made by this
8 section shall apply to—

9 (1) returns filed after the date of the enactment
10 of this Act, and

11 (2) returns filed on or before such date if the pe-
12 riod specified in section 6501 of the Internal Revenue
13 Code of 1986 (determined without regard to such
14 amendments) for assessment of the taxes with respect
15 to which such return relates has not expired as of
16 such date.

17 **SEC. 2006. 100 PERCENT CONTINUOUS LEVY ON PAYMENT**
18 **TO MEDICARE PROVIDERS AND SUPPLIERS.**

19 (a) *IN GENERAL.*—Paragraph (3) of section 6331(h)
20 of the Internal Revenue Code of 1986 is amended by strik-
21 ing the period at the end and inserting “, or to a Medicare
22 provider or supplier under title XVIII of the Social Secu-
23 rity Act.”.

24 (b) *EFFECTIVE DATE.*—The amendment made by this
25 section shall apply to payments made on or after the date

1 *which is 6 months after the date of the enactment of this*
 2 *Act.*

3 **SEC. 2007. MODIFICATION OF TAX EXEMPTION REQUIRE-**
 4 **MENTS FOR MUTUAL DITCH OR IRRIGATION**
 5 **COMPANIES.**

6 *(a) IN GENERAL.—Paragraph (12) of section 501(c)*
 7 *of the Internal Revenue Code of 1986 is amended by adding*
 8 *at the end the following new subparagraph:*

9 *“(I) TREATMENT OF MUTUAL DITCH IRRI-*
 10 *GATION COMPANIES.—*

11 *“(i) IN GENERAL.—In the case of a*
 12 *mutual ditch or irrigation company or of a*
 13 *like organization to a mutual ditch or irri-*
 14 *gation company, subparagraph (A) shall be*
 15 *applied without taking into account any in-*
 16 *come received or accrued—*

17 *“(I) from the sale, lease, or ex-*
 18 *change of fee or other interests in real*
 19 *property, including interests in water,*

20 *“(II) from the sale or exchange of*
 21 *stock in a mutual ditch or irrigation*
 22 *company (or in a like organization to*
 23 *a mutual ditch or irrigation company)*
 24 *or contract rights for the delivery or*
 25 *use of water, or*

1 “(III) from the investment of pro-
2 ceeds from sales, leases, or exchanges
3 under subclauses (I) and (II),
4 except that any income received under sub-
5 clause (I), (II), or (III) which is distributed
6 or expended for expenses (other than for op-
7 erations, maintenance, and capital im-
8 provements) of the mutual ditch or irriga-
9 tion company or of the like organization to
10 a mutual ditch or irrigation company (as
11 the case may be) shall be treated as non-
12 member income in the year in which it is
13 distributed or expended. For purposes of the
14 preceding sentence, expenses (other than for
15 operations, maintenance, and capital im-
16 provements) include expenses for the con-
17 struction of conveyances designed to deliver
18 water outside of the system of the mutual
19 ditch or irrigation company or of the like
20 organization.

21 “(ii) *TREATMENT OF ORGANIZATIONAL*
22 *GOVERNANCE.*—In the case of a mutual
23 ditch or irrigation company or of a like or-
24 ganization to a mutual ditch or irrigation
25 company, where State law provides that

1 such a company or organization may be or-
 2 ganized in a manner that permits voting on
 3 a basis which is pro rata to share owner-
 4 ship on corporate governance matters, sub-
 5 paragraph (A) shall be applied without tak-
 6 ing into account whether its member share-
 7 holders have one vote on corporate govern-
 8 ance matters per share held in the corpora-
 9 tion. Nothing in this clause shall be con-
 10 strued to create any inference about the re-
 11 quirements of this subsection for companies
 12 or organizations not included in this
 13 clause.”.

14 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 15 section (a) shall apply to taxable years beginning after the
 16 date of the enactment of this Act.

17 **SEC. 2008. EQUALIZATION OF EXCISE TAX ON LIQUEFIED**
 18 **NATURAL GAS AND LIQUEFIED PETROLEUM**
 19 **GAS.**

20 (a) *LIQUEFIED PETROLEUM GAS.*—

21 (1) *IN GENERAL.*—Subparagraph (B) of section
 22 4041(a)(2) of the Internal Revenue Code of 1986 is
 23 amended by striking “and” at the end of clause (i),
 24 by redesignating clause (ii) as clause (iii), and by in-
 25 serting after clause (i) the following new clause:

1 “(ii) in the case of liquefied petroleum
2 gas, 18.3 cents per energy equivalent of a
3 gallon of gasoline, and”.

4 (2) *ENERGY EQUIVALENT OF A GALLON OF GASO-*
5 *LINE.—Paragraph (2) of section 4041(a) of such Code*
6 *is amended by adding at the end the following:*

7 “(C) *ENERGY EQUIVALENT OF A GALLON OF*
8 *GASOLINE.—For purposes of this paragraph, the*
9 *term ‘energy equivalent of a gallon of gasoline’*
10 *means, with respect to a liquefied petroleum gas*
11 *fuel, the amount of such fuel having a Btu con-*
12 *tent of 115,400 (lower heating value).”.*

13 (b) *LIQUEFIED NATURAL GAS.—*

14 (1) *IN GENERAL.—Subparagraph (B) of section*
15 *4041(a)(2) of the Internal Revenue Code of 1986, as*
16 *amended by subsection (a)(1), is amended by striking*
17 *“and” at the end of clause (ii), by striking the period*
18 *at the end of clause (iii) and inserting “, and” and*
19 *by inserting after clause (iii) the following new*
20 *clause:*

21 “(iv) in the case of liquefied natural
22 gas, 24.3 cents per energy equivalent of a
23 gallon of diesel.”.

24 (2) *ENERGY EQUIVALENT OF A GALLON OF DIE-*
25 *SEL.—Paragraph (2) of section 4041(a) of such Code,*

1 *as amended by subsection (a)(2), is amended by add-*
 2 *ing at the end the following:*

3 “(D) *ENERGY EQUIVALENT OF A GALLON OF*
 4 *DIESEL.—For purposes of this paragraph, the*
 5 *term ‘energy equivalent of a gallon of diesel’*
 6 *means, with respect to a liquefied natural gas*
 7 *fuel, the amount of such fuel having a Btu con-*
 8 *tent of 128,700 (lower heating value).”.*

9 (3) *CONFORMING AMENDMENTS.—Section*
 10 *4041(a)(2)(B)(iv) of the Internal Revenue Code of*
 11 *1986, as redesignated by subsection (a)(1) and para-*
 12 *graph (1), is amended—*

13 (A) *by striking “liquefied natural gas,”*
 14 *and*

15 (B) *by striking “peat), and” and inserting*
 16 *“peat) and”.*

17 (c) *EFFECTIVE DATE.—The amendments made by this*
 18 *section shall apply to any sale or use of fuel after September*
 19 *30, 2014.*

20 **SEC. 2009. EXTENSION OF CUSTOMS USER FEES.**

21 *Section 13031(j)(3) of the Consolidated Omnibus*
 22 *Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is*
 23 *amended—*

24 (1) *in subparagraph (A), by striking “September*
 25 *30, 2023” and inserting “January 7, 2024”, and*

(2) in subparagraph (B)(i), by striking “September 30, 2023” and inserting “January 7, 2024”.

TITLE III—BUDGETARY PROVISIONS

SEC. 301. TREATMENT FOR PAYGO PURPOSES.

(a) *PAYGO SCORECARD.*—The budgetary effects of this Act and the amendments made by this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

(b) *SENATE PAYGO SCORECARD.*—The budgetary effects of this Act and the amendments made by this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

Attest:

Secretary.

113TH CONGRESS
2^D SESSION

H.R. 5021

AMENDMENT