

118TH CONGRESS
2D SESSION

S. _____

To amend the Internal Revenue Code of 1986 to extend the period of time for making S corporation elections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. BLACKBURN (for herself and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Internal Revenue Code of 1986 to extend the period of time for making S corporation elections, 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.**

4 This Act may be cited as the “Tax Administration
5 Simplification Act”.

6 **SEC. 2. EXTENSION OF TIME FOR MAKING S CORPORATION**
7 **ELECTIONS.**

8 (a) IN GENERAL.—

1 (1) WHEN ELECTION MADE.—Section
2 1362(b)(1) of the Internal Revenue Code of 1986 is
3 amended to read as follows:

4 “(1) IN GENERAL.—An election under sub-
5 section (a) may be made by a small business cor-
6 poration for any taxable year not later than the due
7 date for filing the return of the S corporation for
8 such taxable year (including extensions).”.

9 (2) CONFORMING AMENDMENTS.—

10 (A) Section 1362(b)(2) of such Code is
11 amended—

12 (i) by striking “during such year and
13 on or before the 15th day of the 3d month
14 of such year” in subparagraph (A) and in-
15 serting “within the period described in
16 paragraph (1)”, and

17 (ii) by striking “MADE DURING THE
18 FIRST 2 ½ MONTHS” in the heading there-
19 of.

20 (B) Section 1362(b) of such Code is
21 amended by striking paragraphs (3) and (4)
22 and by redesignating paragraph (5) as para-
23 graph (3).

1 (C) Section 1362(b)(3) of such Code, as
2 redesignated by subparagraph (B), is amend-
3 ed—

4 (i) by striking “(determined without
5 regard to paragraph (3))” in subparagraph
6 (A), and

7 (ii) by striking “(and paragraph (3)
8 shall not apply)”.

9 (D) Section 1362(b) of such Code, as
10 amended by the preceding provisions of this
11 subsection, is amended by adding at the end the
12 following new paragraphs:

13 “(4) ELECTION ON TIMELY FILED RETURNS.—
14 Except as otherwise provided by the Secretary, an
15 election under subsection (a) for any taxable year
16 may be made on a timely filed return of the S cor-
17 poration for such taxable year.

18 “(5) SECRETARIAL AUTHORITY.—The Secretary
19 may prescribe such regulations, rules, or other guid-
20 ance necessary to implement this subsection, includ-
21 ing forms or other guidance for making the election
22 in the manner described by this subsection.”.

23 (b) COORDINATION WITH CERTAIN OTHER PROVI-
24 SIONS.—

1 (1) QUALIFIED SUBCHAPTER S SUBSIDI-
2 ARIES.—Section 1361(b)(3)(B) of the Internal Rev-
3 enue Code of 1986 is amended by adding at the end
4 the following flush sentence:

5 “Rules similar to the rules of section 1362(b)
6 shall apply with respect to any election under
7 clause (ii).”.

8 (2) QUALIFIED SUBCHAPTER S TRUSTS.—Sec-
9 tion 1361(d)(2) of such Code is amended by striking
10 subparagraph (D).

11 (c) REVOCATIONS.—Section 1362(d)(1) of the Inter-
12 nal Revenue Code of 1986 is amended—

13 (1) by striking “subparagraph (D)” in subpara-
14 graph (C) and inserting “subparagraphs (D) and
15 (E)”, and

16 (2) by adding at the end the following new sub-
17 paragraph:

18 “(E) AUTHORITY TO TREAT LATE REVOCATIONS AS
19 TIMELY.—If—

20 “(i) a revocation under subparagraph
21 (A) is made for any taxable year after the
22 date prescribed by this paragraph for mak-
23 ing such revocation for such taxable year
24 or no such revocation is made for any tax-
25 able year, and

1 “(ii) the Secretary determines that
2 there was reasonable cause for the failure
3 to timely make such revocation,
4 the Secretary may treat such a revocation as
5 timely made for such taxable year.”.

6 (d) EFFECTIVE DATE.—

7 (1) IN GENERAL.—Except as otherwise pro-
8 vided in this subsection, the amendments made by
9 this section shall apply to elections for taxable years
10 beginning after the last day of the calendar year
11 which includes the date of the enactment of this Act.

12 (2) REVOCATIONS.—The amendments made by
13 subsection (c) shall apply to revocations made after
14 the date of the enactment of this Act.

15 **SEC. 3. QUARTERLY INSTALLMENTS FOR ESTIMATED IN-**
16 **COME TAX PAYMENTS BY INDIVIDUALS.**

17 (a) IN GENERAL.—The table contained in section
18 6654(c)(2) of the Internal Revenue Code of 1986 is
19 amended—

20 (1) by striking “June 15” and inserting “July
21 15”, and

22 (2) by striking “September 15” and inserting
23 “October 15”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to installments due in taxable years
3 beginning after the date of the enactment of this Act.

4 **SEC. 4. EXTENSION OF MAILBOX RULE TO ELECTRONIC**
5 **SUBMISSIONS AND PAYMENTS.**

6 (a) IN GENERAL.—Section 7502(c) of the Internal
7 Revenue Code of 1986 is amended—

8 (1) in the heading, by inserting “AND PAY-
9 MENT” after “FILING”,

10 (2) in paragraph (2)—

11 (A) in the heading, by striking “; ELEC-
12 TRONIC FILING”, and

13 (B) by striking “and electronic filing”, and

14 (3) by adding at the end the following:

15 “(3) ELECTRONIC FILING AND PAYMENT.—

16 “(A) IN GENERAL.—In the case of any
17 document which the Secretary has permitted to
18 be filed by electronic means (or, in the case of
19 any payment, which the Secretary has per-
20 mitted to be made by electronic means), if such
21 document or payment is—

22 “(i) transmitted by the permitted elec-
23 tronic means to the agency, officer, or of-
24 fice to which the document was required to
25 be filed (or payment was required to be

1 made) on or before the prescribed date (or
2 within the period required) with respect to
3 such document or payment, and

4 “(ii) received (or, in the case of a pay-
5 ment, received and accounted for) after the
6 prescribed date or period required with re-
7 spect to such document or payment,

8 the date that such document or payment was
9 transmitted (as described in clause (i)) shall be
10 deemed to be the date that such document was
11 filed or such payment was made.

12 “(B) REGULATIONS.—Not later than the
13 date which is 1 year after the date of enact-
14 ment of the Tax Administration Simplification
15 Act, the Secretary shall issue such regulations
16 or other guidance as the Secretary determines
17 necessary to carry out the purposes of this
18 paragraph.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall apply to any document or payment
21 sent on or after the date which is 1 year after the date
22 of enactment of this Act.