

118TH CONGRESS  
2D SESSION

# S. 5316

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

NOVEMBER 14, 2024

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

---

## 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 REVOCA-  
19           TIONS AS 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.

○