

112TH CONGRESS
1ST SESSION

H. R. 2382

To amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to longstanding regulatory rule.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2011

Ms. JENKINS 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 provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to longstanding regulatory rule.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; REFERENCE.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Tax Return Due Date Simplification and Modernization
4 Act of 2011”.

5 (b) **REFERENCE.**—Except as otherwise expressly pro-
6 vided, whenever in this Act an amendment or repeal is
7 expressed in terms of an amendment to, or repeal of, a
8 section or other provision, the reference shall be consid-
9 ered to be made to a section or other provision of the In-
10 ternal Revenue Code of 1986.

11 **SEC. 2. NEW DUE DATE FOR PARTNERSHIP FORM 1065, S**
12 **CORPORATION FORM 1120S, AND C CORPORA-**
13 **TION FORM 1120.**

14 (a) **PARTNERSHIPS.**—

15 (1) **IN GENERAL.**—Section 6072 is amended by
16 adding at the end the following new subsection:

17 “(f) **RETURNS OF PARTNERSHIPS.**—Returns of part-
18 nerships under section 6031 made on the basis of the cal-
19 endar year shall be filed on or before the 15th day of
20 March following the close of the calendar year, and such
21 returns made on the basis of a fiscal year shall be filed
22 on or before the 15th day of the third month following
23 the close of the fiscal year.”.

24 (2) **CONFORMING AMENDMENT.**—Section
25 6072(a) is amended by striking “6017, or 6031”
26 and inserting “or 6017”.

1 (b) S CORPORATIONS.—

2 (1) IN GENERAL.—So much of subsection (b) of
3 6072 as precedes the second sentence thereof is
4 amended to read as follows:

5 “(b) RETURNS OF CERTAIN CORPORATIONS.—Re-
6 turns of S corporations under sections 6012 and 6037
7 made on the basis of the calendar year shall be filed on
8 or before the 31st day of March following the close of the
9 calendar year, and such returns made on the basis of a
10 fiscal year shall be filed on or before the last day of the
11 third month following the close of the fiscal year.”.

12 (2) CONFORMING AMENDMENTS.—

13 (A) Section 1362(b) is amended—

14 (i) by striking “15th” each place it
15 appears and inserting “last”,

16 (ii) by striking “2½” each place it ap-
17 pears and inserting “3”, and

18 (iii) by striking “2 months and 15
19 days” in paragraph (4) and inserting “3
20 months”.

21 (B) Section 1362(d)(1)(C)(i) is amended
22 by striking “15th” and inserting “last”.

23 (C) Section 1362(d)(1)(C)(ii) is amended
24 by striking “such 15th day” and inserting “the
25 last day of the 3d month thereof”.

1 (c) CONFORMING AMENDMENTS RELATING TO C
2 CORPORATIONS.—

3 (1) Section 170(a)(2)(B) is amended by strik-
4 ing “third month” and inserting “4th month”.

5 (2) Section 563 is amended by striking “third
6 month” each place it appears and inserting “4th
7 month”.

8 (3) Section 1354(d)(1)(B)(i) is amended by
9 striking “3d month” and inserting “4th month”.

10 (4) Subsection (a) and (c) of section 6167 are
11 each amended by striking “third month” and insert-
12 ing “4th month”.

13 (5) Section 6425(a)(1) is amended by striking
14 “third month” and inserting “4th month”.

15 (6) Subsections (b)(2)(A), (g)(3), and (h)(1) of
16 section 6655 are each amended by striking “3rd
17 month” and inserting “4th month”.

18 (d) EFFECTIVE DATES.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), the amendments made by this section
21 shall apply to returns for taxable years beginning
22 after December 31, 2011.

23 (2) DELAYED DATE FOR C CORPORATIONS
24 WITH FISCAL YEARS ENDING ON JUNE 30.—In the
25 case of any C corporation with a fiscal year ending

1 on June 30, the amendments made by this section
2 shall apply to taxable years beginning after Decem-
3 ber 31, 2021.

4 **SEC. 3. MODIFICATION OF DUE DATES BY REGULATION.**

5 In the case of returns for taxable years beginning
6 after December 31, 2011, the Secretary of the Treasury
7 or the Secretary's delegate shall modify appropriate regu-
8 lations to provide as follows:

9 (1) The maximum extension for the returns of
10 partnerships filing Form 1065 shall be a 6-month
11 period ending on September 15 for calendar year
12 taxpayers.

13 (2) The maximum extension for the returns of
14 trusts filing Form 1041 shall be a 5½-month period
15 ending on September 30 for calendar year taxpayers.

16 (3) The maximum extension for the returns of
17 employee benefit plans filing Form 5500 shall be an
18 automatic 3½-month period ending on November 15
19 for calendar year taxpayers.

20 (4) The maximum extension for the returns of
21 organizations exempt from income tax filing Form
22 990 shall be an automatic 6-month period ending on
23 November 15 for calendar year filers.

24 (5) The due date of Form 3520–A (relating to
25 the Annual Information Return of Foreign Trust

1 with a United States Owner) for calendar year filers
2 shall be April 15 with a maximum extension for a
3 6-month period ending on October 15.

4 (6) The due date of Form TD F 90–22.1 (re-
5 lating to Report of Foreign Bank and Financial Ac-
6 counts) shall be April 15 with a maximum extension
7 for a 6-month period ending on October 15 and with
8 provision for an extension under rules similar to the
9 rules in Treas. Reg. section 1.6081–5. For any tax-
10 payer required to file such Form for the first time,
11 any penalty for failure to timely request for, or file,
12 an extension, may be waived by the Secretary.

13 **SEC. 4. CORPORATIONS PERMITTED STATUTORY AUTO-**
14 **MATIC 6-MONTH EXTENSION OF INCOME TAX**
15 **RETURNS.**

16 (a) IN GENERAL.—Section 6081(b) is amended by
17 striking “3 months” and inserting “6 months (7 months
18 in the case of a C corporation described in section 2(d)(2)
19 of the Tax Return Due Date Simplification and Mod-
20 ernization Act of 2011)”.

21 (b) UNIFORM RULE AFTER CERTAIN C CORPORA-
22 TIONS ARE SUBJECT TO GENERAL FILING RULES.—Sec-
23 tion 6081(b), as amended by subsection (a), is amended
24 by striking “6 months (7 months in the case of a C cor-
25 poration described in section 2(d)(2) of the Tax Return

1 Due Date Simplification and Modernization Act of 2011)”
2 and inserting “6 months”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) Section 6081(a) is amended by inserting
5 “or C corporations that are described in section
6 2(d)(2) of the Tax Return Due Date Simplification
7 and Modernization Act of 2011” after “abroad”.

8 (2) Section 6081(a), as amended by paragraph
9 (1) is amended by striking “or C corporations that
10 are described in section 2(d)(2) of the Tax Return
11 Due Date Simplification and Modernization Act of
12 2011” after “abroad”.

13 (d) EFFECTIVE DATES.—

14 (1) IN GENERAL.—The amendments made by
15 subsections (a) and (c)(1) shall apply to returns for
16 taxable years beginning after December 31, 2011.

17 (2) UNIFORM RULE.—The amendments made
18 by subsections (b) and (c)(2) shall apply to returns
19 for taxable years beginning after December 31,
20 2021.

○