

**MEMO# 3497**

February 7, 1992

## **REGULATIONS ON EXTENSION OF TIME TO FILE ELECTIONS WHEN TIME NOT EXPRESSLY PRESCRIBED BY STATUTE**

February 7, 1992 TO: TAX COMMITTEE NO. 5-92 ACCOUNTING/TREASURERS COMMITTEE  
NO. 8-92 RE: REGULATIONS ON EXTENSION OF TIME TO FILE ELECTIONS WHEN TIME NOT  
EXPRESSLY PRESCRIBED BY STATUTE

\_\_\_\_\_ The Treasury Department has recently issued the attached final regulations under Treasury Regulation section 301.9100-1, which alter the rules dealing with extensions of time for making elections when that time is not expressly prescribed by statute. Under prior Treas. Reg. sec. 1.9100-1(a), the Commissioner of Internal Revenue, in his discretion, had the authority to grant reasonable extensions of time for making elections provided for in regulations only under the income tax section (subtitle A) of the Internal Revenue Code, and then only if the time for making such election was not expressly prescribed by statute. The new final regulation permits the Commissioner to grant reasonable extensions of time for making elections with nonstatutory due dates under all subtitles of the Internal Revenue Code except subtitle E (relating to Alcohol, Tobacco and Certain Other Excise Taxes), subtitle G (governing the Joint Committee on Taxation), subtitle H (governing the Financing of Presidential Elections) and subtitle I (governing the Trust Fund Code), in which areas the Service has no authority. In addition, the Commissioner may grant extensions of elections whose time is provided for by a revenue ruling, revenue procedure, a notice or an announcement published in the Internal Revenue Bulletin, as well as by regulations. We will keep you informed of further developments. David J. Mangefrida Jr. Assistant Counsel - Tax Attachment DJM:bmb