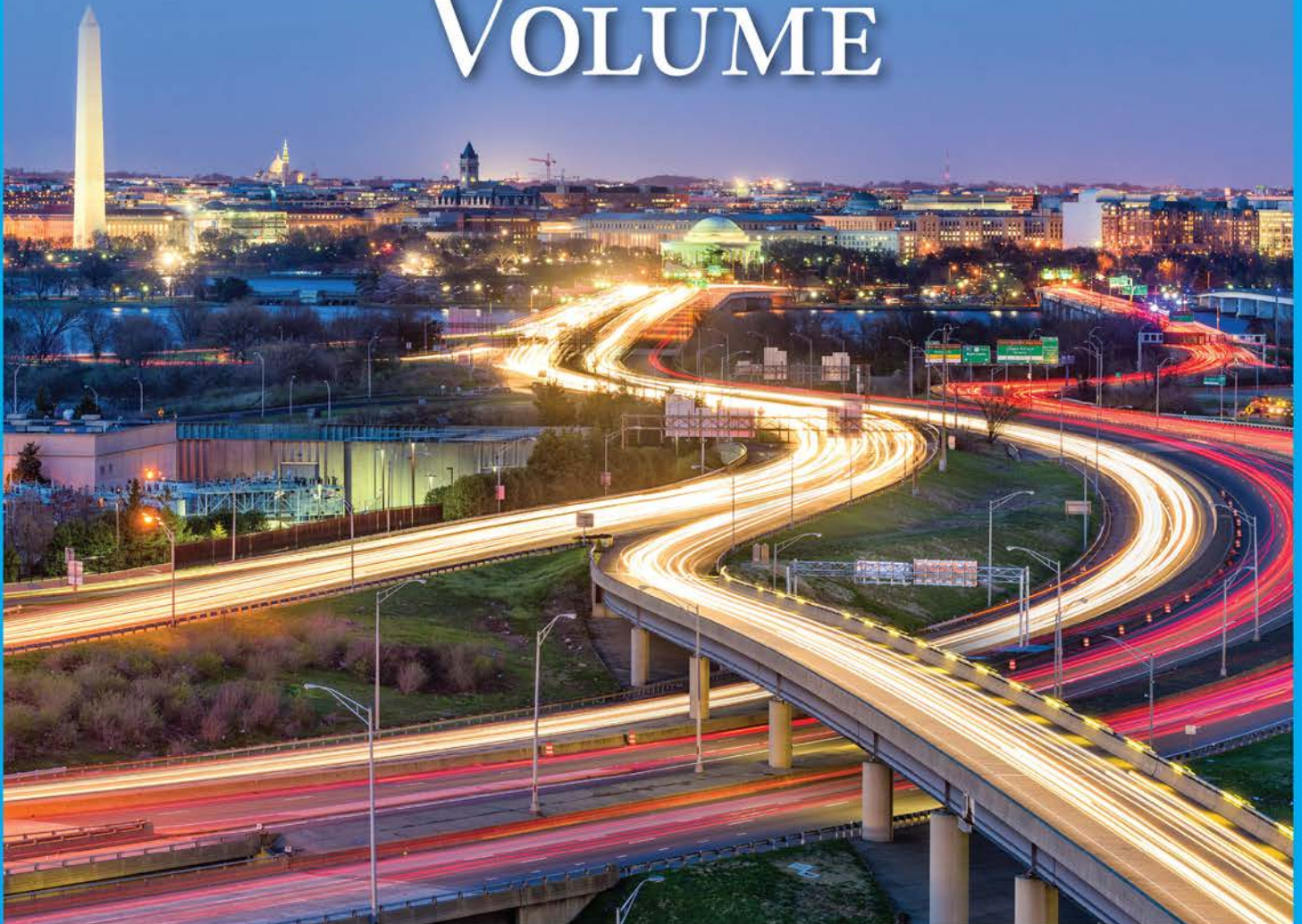




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2021

2019 Tax Rate Schedules

Single—Schedule X				Head of household—Schedule Z			
If taxable income is: Over—	But not over—	The tax is:	of the amount over—	If taxable income is: Over—	But not over—	The tax is:	of the amount over—
\$ 0	\$ 9,700	.....10%	\$ 0	\$ 0	\$ 13,850	.....10%	\$ 0
9,700	39,475	\$ 970.00 + 12%	9,700	13,850	52,850	\$ 1,385.00 + 12%	13,850
39,475	84,200	4,543.00 + 22%	39,475	52,850	84,200	6,065.00 + 22%	52,850
84,200	160,725	14,382.50 + 24%	84,200	84,200	160,700	12,962.00 + 24%	84,200
160,725	204,100	32,748.50 + 32%	160,725	160,700	204,100	31,322.00 + 32%	160,700
204,100	510,300	46,628.50 + 35%	204,100	204,100	510,300	45,210.00 + 35%	204,100
510,300	.....	153,798.50 + 37%	510,300	510,300	.....	152,380.00 + 37%	510,300
Married filing jointly or Qualifying widow(er)—Schedule Y-1				Married filing separately—Schedule Y-2			
If taxable income is: Over—	But not over—	The tax is:	of the amount over—	If taxable income is: Over—	But not over—	The tax is:	of the amount over—
\$ 0	\$ 19,400	.....10%	\$ 0	\$ 0	\$ 9,700	.....10%	\$ 0
19,400	78,950	\$ 1,940.00 + 12%	19,400	9,700	39,475	\$ 970.00 + 12%	9,700
78,950	168,400	9,086.00 + 22%	78,950	39,475	84,200	4,543.00 + 22%	39,475
168,400	321,450	28,765.00 + 24%	168,400	84,200	160,725	14,382.50 + 24%	84,200
321,450	408,200	65,497.00 + 32%	321,450	160,725	204,100	32,748.50 + 32%	160,725
408,200	612,350	93,257.00 + 35%	408,200	204,100	306,175	46,628.50 + 35%	204,100
612,350	.....	164,709.50 + 37%	612,350	306,175	.....	82,354.75 + 37%	306,175

2020 Tax Rate Schedules

Single—Schedule X				Head of household—Schedule Z			
If taxable income is: Over—	But not over—	The tax is:	of the amount over—	If taxable income is: Over—	But not over—	The tax is:	of the amount over—
\$ 0	\$ 9,875	.....10%	\$ 0	\$ 0	\$ 14,100	.....10%	\$ 0
9,875	40,125	\$ 987.50 + 12%	9,875	14,100	53,700	\$ 1,410.00 + 12%	14,100
40,125	85,525	4,617.50 + 22%	40,125	53,700	85,500	6,162.00 + 22%	53,700
85,525	163,300	14,605.50 + 24%	85,525	85,500	163,300	13,158.00 + 24%	85,500
163,300	207,350	33,271.50 + 32%	163,300	163,300	207,350	31,830.00 + 32%	163,300
207,350	518,400	47,367.50 + 35%	207,350	207,350	518,400	45,926.00 + 35%	207,350
518,400	.....	156,235.00 + 37%	518,400	518,400	.....	154,793.50 + 37%	518,400
Married filing jointly or Qualifying widow(er)—Schedule Y-1				Married filing separately—Schedule Y-2			
If taxable income is: Over—	But not over—	The tax is:	of the amount over—	If taxable income is: Over—	But not over—	The tax is:	of the amount over—
\$ 0	\$ 19,750	.....10%	\$ 0	\$ 0	\$ 9,875	.....10%	\$ 0
19,750	80,250	\$ 1,975.00 + 12%	19,750	9,875	40,125	\$ 987.50 + 12%	9,875
80,250	171,050	9,235.00 + 22%	80,250	40,125	85,525	4,617.50 + 22%	40,125
171,050	326,600	29,211.00 + 24%	171,050	85,525	163,300	14,605.50 + 24%	85,525
326,600	414,700	66,543.00 + 32%	326,600	163,300	207,350	33,271.50 + 32%	163,300
414,700	622,050	94,735.00 + 35%	414,700	207,350	311,025	47,367.50 + 35%	207,350
622,050	.....	167,307.50 + 37%	622,050	311,025	.....	83,653.75 + 37%	311,025

Tax Formula for Individuals

Income (broadly defined).....	\$xx,xxx
Less: Exclusions.....	(x,xxx)
Gross income.....	\$xx,xxx
Less: Deductions <i>for</i> adjusted gross income.....	(x,xxx)
Adjusted gross income.....	\$xx,xxx
Less: The greater of—	
Total itemized deductions	
or standard deduction.....	(x,xxx)
Less: Personal and dependency exemptions*.....	(x,xxx)
Deduction for qualified business income**.....	(x,xxx)
Taxable income.....	<u>\$xx,xxx</u>
Tax on taxable income.....	\$ x,xxx
Less: Tax credits (including Federal income tax withheld and prepaid).....	(xxx)
Tax due (or refund).....	<u>\$ xxx</u>

*Exemption deductions are not allowed from 2018 through 2025.

**Only applies from 2018 through 2025.

Basic Standard Deduction Amounts

Filing Status	2019	2020
Single	\$12,200	\$12,400
Married, filing jointly	24,400	24,800
Surviving spouse	24,400	24,800
Head of household	18,350	18,650
Married, filing separately	12,200	12,400

Amount of Each Additional Standard Deduction

Filing Status	2019	2020
Single	\$1,650	\$1,650
Married, filing jointly	1,300	1,300
Surviving spouse	1,300	1,300
Head of household	1,650	1,650
Married, filing separately	1,300	1,300

Personal and Dependency Exemption*

2019	2020
\$4,200	\$4,300

*Note: Exemption deductions have been suspended from 2018 through 2025. However, the personal and dependency exemption amount is used for other purposes (including determining whether a “qualifying relative” is a taxpayer’s dependent).

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SOUTH-WESTERN FEDERAL TAXATION

COMPREHENSIVE VOLUME

2021

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Preface

COMMITTED TO EDUCATIONAL SUCCESS

South-Western Federal Taxation (SWFT) is the most trusted and best-selling series in college taxation. We are focused exclusively on providing the most useful, comprehensive, and up-to-date tax texts, online study aids, tax preparation tools, and research tools to help instructors and students succeed in their tax courses and beyond.

SWFT is a comprehensive package of teaching and learning materials, significantly enhanced with each edition to meet instructor and student needs and to add overall value to learning taxation.

The *SWFT Comprehensive Volume*, 2021 Edition provides a dynamic learning experience inside and outside of the classroom. Built with resources and tools that have been identified as the most important, our complete learning system provides options for students to achieve success.

In addition, the *SWFT Comprehensive Volume*, 2021 Edition provides accessible, comprehensive, and authoritative coverage of the relevant tax code and regulations as they pertain to the individual and business taxpayer, as well as coverage of all major developments in Federal Taxation.

In revising the 2021 Edition, we focused on:

- **Accessibility. Clarity. Substance.** The text authors and editors made this their mantra as they revised the 2021 Edition. Coverage has been streamlined to make it more accessible to students, and difficult concepts have been clarified, all without losing the substance that makes up the *South-Western Federal Taxation* series.
- **Developing professional skills.** SWFT excels in bringing students to a professional level in their tax knowledge and skills, to prepare them for immediate success in their careers. In this regard, we include development of speaking and writing communications skills, the use of tax preparation and tax research software, orientation toward success on the CPA Exam, consideration of the time value of money in the tax planning process, and facility with advanced spreadsheet applications and data analytics.
- **CengageNOWv2 as a complete learning system.** Cengage Learning understands that digital learning solutions are central to the classroom. Through sustained research, we continually refine our learning solutions in CengageNOWv2 to meet evolving student and instructor needs. CengageNOWv2 fulfills learning and course management needs by offering a personalized study plan, video lectures, auto-graded homework, auto-graded tests, and a full eBook with features and advantages that address common challenges.

FULL-COLOR DESIGN: We understand that students struggle with learning difficult tax law concepts and applying them to real-world scenarios. The 2021 Edition uses color to bring the text to life, capture student attention, and present the tax law in an understandable and logical format.

CHAPTER
13

Property Transactions: Determination of Gain or Loss, Basis Considerations, and Nontaxable Exchanges

LEARNING OBJECTIVES: After completing Chapter 13, you should be able to:

- 1. Perform the computation of realized gain or loss on property dispositions.
- 2. Distinguish between realized and recognized gains.
- 3. Review and illustrate how basis is determined for various methods of asset acquisition.
- 4. Calculate various loss disallowance provisions.
- 5. State and explain the rationale for nonrecognition treatment of gain or loss in certain property transactions.

- 6. Explain the nonrecognition provisions and basis determination rules for like-kind exchanges.
- 7. Explain the nonrecognition provisions available on the involuntary conversion of property.
- 8. Review the provisions for the permanent exclusion of gain on the sale of a personal residence.
- 9. Develop and apply various tax planning opportunities related to selected property transactions.

CHAPTER OUTLINE

- 13.1 Determination of Gain or Loss, 13-2
 - 13.1a Realized Gain or Loss, 13-2
 - 13.1b Recognized Gain or Loss, 13-4
 - 13.1c Nonrecognition of Gain or Loss, 13-9

- 13.2 Basis Considerations, 13-10
 - 13.2a Determination of Cost Basis, 13-10
 - 13.2b Gift Basis, 13-12
 - 13.2c Inherited Property, 13-14
 - 13.2d Disallowed Losses, 13-16
 - 13.2e Conversion of Property from Personal Use to Business Use, 13-17
 - 13.2f General Principles of Basis, 13-18
 - 13.2g Summary of Basis Adjustments, 13-19

- 13.3 Nontaxable Exchanges, 13-22

- 13.4 Like-Kind Exchanges—1031, 13-22
 - 13.4a Like-Kind Property, 13-23
 - 13.4b Exchange Requirements, 13-24
 - 13.4c Boot, 13-25
 - 13.4d Gain and Loss-Deferring Property
 - Revised, 13-25
 - 13.4e Reporting Considerations, 13-26

- 13.5 Involuntary Conversions—1033, 13-29
 - 13.5a Involuntary Conversion Defined, 13-29
 - 13.5b Compensating for Amount Realized, 13-31
 - 13.5c Replacement Property, 13-32
 - 13.5d Time Limitation on Replacement, 13-33
 - 13.5e Nonrecognition Period, 13-34
 - 13.5f Summary of Basis Adjustments, 13-35

- 13.6 Like-Kind—811(a), 13-36
 - 13.6a Personal Residence, 13-36
 - 13.6b Like-Kind Exchanges, 13-37
 - 13.6c Exclusions from the Tax-Free Rules, 13-39

- 13.7 Tax Rollovers, 13-41
 - 13.7a Rollovers, 13-41
 - 13.7b Selection of Property for Making Gifts, 13-41
 - 13.7c Selection of Property to Receive Gifts, 13-42
 - 13.7d Disallowed Losses, 13-43
 - 13.7e Like-Kind Exchanges, 13-43
 - 13.7f Involuntary Conversions, 13-43
 - 13.7g Sale of a Principal Residence, 13-44

THE BIG PICTURE

SALE OR GIFT OF INHERITED HOME AND OTHER PROPERTY TRANSACTIONS

After owning a house that he inherited from his grandmother, Paula, seven months ago, Paula lived in the house for over 50 years. Alex has many fond memories associated with the house, because she spent many summer vacations there. This has caused her to delay making a decision regarding what she is going to do with the house.

Based on the estate tax return, the fair market value of the house at the date of Paula's death was \$475,000. According to Paula's attorney, she paid \$275,000 for the house. The real estate market for residential housing currently is robust in the city in which the house is located. So based on a recent appraisal, the house is worth \$800,000. Alex is considering two options. The first is to give the house to her son, Michael. Michael, his wife Sarah, and their daughter Paige would live in the house. The second option is to sell the house. Possible selling expenses would be about 7 percent of the selling price.

Alex also would like to know the tax consequences of selling her boat, which she purchased for \$22,000 four months ago. She has been using it exclusively for her personal use but is disappointed with its speed and capacity. Because it is a new model, there is significant demand for the boat, and based on listings in her area, she anticipates that she can sell it for \$20,000 to \$23,000.

While you are taking Alex's memories that earlier this year, she sold some Green Corporation stock at a loss. A few days later, after hearing Green Corporation's quarterly earnings report, she decided to buy back the shares. You may be able to provide additional information to determine the tax effects of these transactions. Alex also has owned a building (adjusted basis \$90,000) that was used in her business. The building was recently destroyed by a fire, but, fortunately, it was fully insured. The insurance company paid Alex \$100,000 to compensate her for the loss. Now she is looking to acquire similar replacement property for her business. If possible, she would like to claim a casualty loss, but certainly does not want to recognize any taxable gain from the event as she needs the funds for replacement property.

Alex has come to you for advice regarding the tax consequences of these various transactions. Alex's objectives are to minimize the recognition of any realized gain and to maximize the recognition of any realized loss.

Read the chapter and formulate your response.

13-1

CHAPTER 13 Property Transactions Deeds

13-4b Exchange Requirement, 13-4c
13-4c Bids, 13-25
13-4d Bids and Holding Period of
Rescinded, 13-26
13-4e Reporting Considerations, 13-26

thefts, and bond retirements all are treated as if they are the most common property dispositions. If a sale is the key factor in determining whether the value of the property is not sufficient.²

Lori owns Tan Corporation stock that she bought for \$5,000. She now owns \$5,000. Lori has no realized gain because for tax purposes, Here, Lori has an unrealized gain of \$5,000.

The same is true if the stock had declined in value even, there is no realized loss. Here, Lori would have

Computation of Realized Gain or Loss

Realized gain or loss is the difference between the amount realized from the sale or other disposition of property and the property's adjusted basis on the disposition date. If the amount realized exceeds the property's adjusted basis, the result is a **realized gain**. On the other hand, if the property's adjusted basis exceeds the amount realized, the result is a **realized loss**.¹³

Carl sells Swan Corporation stock with an adjusted basis of \$3,000 for \$5,400. Carl's realized gain is \$2,400 (\$5,400 - \$3,000). If Carl had sold the stock for \$1,750, he would have had a realized loss of \$1,250 (\$1,750 - \$3,000).

Concept Summary 13.1 summarizes this calculation. The various terms used in Concept Summary 13.1 are discussed on the following pages.

EXAMPLE 2

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This chapter and Chapter 14 explain the income tax consequences of property transactions (the sale or other disposition of property).

- Is there a realized gain or loss?
- If so, is the gain or loss recognized?
- If the gain or loss is recognized, is it ordinary or capital?
- What is the basis of any replacement property that is acquired?

This chapter discusses the determination of realized and recognized gain or loss and the basis of property. Chapter 14 covers the classification of the recognized gain or loss as ordinary or capital.

13-1 DETERMINATION OF GAIN OR LOSS

Gains and losses result from "realization events" such as sales, exchanges, or other dispositions of property. Very few gains and losses are recognized without first being realized. Realization events involve a significant change in ownership rights, and once a realization event has occurred, a realized gain or loss can be determined. Many, but not all, realized gains and losses also are recognized (i.e., included in the determination of taxable income) at the time of the realization event.

13-1a Realized Gain or Loss

Sale or Other Disposition
The term *sale or other disposition* is defined broadly in the tax law and includes virtually any disposition of property. Transactions such as trading, casualties, condemnations,

[illegible]

COMPUTATIONAL EXERCISES: Students need to learn to apply the concepts covered in each chapter. These exercises, many of which mirror text examples, allow students to practice and apply what they are learning.

- ❑ Found in the end-of-chapter sections of the textbook
- ❑ CengageNOWv2 provides algorithmic versions of these problems

26. **LO.1** Melba purchases land from Adrian. Melba gives Adrian \$225,000 in cash and agrees to pay Adrian an additional \$400,000 one year later plus interest at 5%.
- What is Melba's adjusted basis for the land at the acquisition date?
 - What is Melba's adjusted basis for the land one year later?
27. **LO.1** On July 1, 2020, Katrina purchased tax-exempt bonds (face value of \$75,000) for \$82,000. The bonds mature in five years, and the annual interest rate is 3%.
- How much interest income and/or interest expense must Katrina report in 2020, assuming that straight-line amortization is appropriate?
 - What is Katrina's adjusted basis for the bonds on January 1, 2021?

RESEARCH AND DATA ANALYTICS PROBLEMS:

- ❑ Research problems provide students with vital practice in an increasingly demanded skill area. Some of these end-of-chapter items ask students to analyze tax data, helping them to understand the application of this information in various scenarios. These essential features prepare students for professional tax environments.

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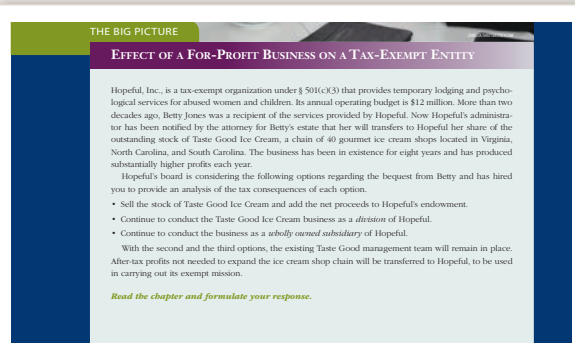
Becker CPA Review Questions

1. Jasmin purchased 100 shares of Pinkstey Corporation (publicly traded company) on January 1 of year 1 for \$5,000. The FMV of the shares at the end of year 1 was \$6,000. On January 1 of year 4, Pinkstey Corporation declared a 2-for-1 stock split when the fair market value of the stock was \$65 per share. On January 1 of year 5, Jasmin sold all of her Pinkstey Corporation stock when the fair market value was \$40 per share. Which of the following statements is true?
- Jasmin reports \$6,500 in gross income for the 2-for-1 stock split in year 4.
 - Jasmin's basis in the Pinkstey Corporation stock at the end of year 4 is \$65 per share.
 - Jasmin has no taxable income for the Pinkstey Corporation stock in year 4.
 - Jasmin owns 100 shares in Pinkstey Corporation stock at the end of year 4.

Becker+

Becker+

See how the SWFT series helps students understand the big picture and the relevancy behind what they are learning.



THE BIG PICTURE: Tax Solutions for the Real World. Taxation comes alive at the start of each chapter as The Big Picture examples give a glimpse into the lives, families, careers, and tax situations of typical filers. Students will follow a family, individual, or other taxpayer throughout the chapter, to discover how the concepts they are learning apply in the real world.

Finally, to solidify student comprehension, each chapter concludes with a **Refocus on the Big Picture** summary and tax planning scenario. These scenarios re-emphasize the concepts and topics from the chapter and allow students to confirm their understanding of the material.

FRAMEWORK 1040:

Fitting It All Together.

This chapter-opening feature demonstrates how individual income tax topics fit together, using the Income Tax Formula for Individuals as the framework. The framework helps students organize their understanding of the chapters and topics to see how they relate to the basic tax formula and then identify where these items are reported on Form 1040. Framework 1040 helps students navigate topics by explaining how tax concepts are organized.

Use this chapter-opening Framework 1040, which shows the topics as they appear in the individual tax formula, to understand where on Form 1040 these chapter topics would appear.

FINANCIAL DISCLOSURE INSIGHTS:

Tax professionals need to understand how taxes affect financial statements. **Financial Disclosure Insights**, appearing throughout the text, use current information about existing taxpayers to highlight book-tax reporting differences, effective tax rates, and trends in reporting conventions.



FINANCIAL DISCLOSURE INSIGHTS Tax and Book Depreciation

A common book-tax difference relates to the depreciation amounts that are reported for GAAP and Federal income tax purposes. Typically, tax depreciation deductions are accelerated; that is, they are claimed in earlier reporting periods than is the case for financial accounting purposes.

Almost every tax law change since 1980 has included depreciation provisions that accelerate the related deductions relative to the expenses allowed under GAAP. Accelerated cost

recovery deductions represent a means by which the taxing jurisdiction infuses the business with cash flow created by the reduction in the year's tax liabilities.

For instance, recently, about one-quarter of General Electric's deferred tax liabilities related to depreciation differences. For Toyota's and Ford's depreciation differences, that amount was about one-third. And for the trucking firm Ryder Systems, depreciation differences accounted for all but 1 percent of the deferred tax liabilities.



ETHICS & EQUITY Punching the Time Clock at Year-End

As the end of the tax year approaches, Julie, a successful full-time real estate developer and investor, recognizes that her income tax situation for the year could be bleak. Unless she and her spouse, Ralph, are able to generate more hours of participation in one of her real estate rental activities, they will not reach the material participation threshold. Consequently, the tax losses from the venture will not be deductible. To ensure deductibility, Julie suggests the following plan:

- She will document the time she spends "thinking" about her rental activities.
- During the week, Ralph will visit the apartment building to oversee (in a management role) the operations of the rentals.

- On weekends, she and Ralph will visit the same units to further evaluate the operations.
- Also on the weekends, while they are doing their routine household shopping, they will be on the lookout for other rental properties to buy. Julie plans to count both her and Ralph's weekend hours toward the tally of total participation.

Julie contends that the law clearly allows the efforts of one's spouse to count for purposes of the material participation tests. Likewise, nothing in the tax law requires taxpayers to be efficient in their hours of participation. How do you react?

ETHICS & EQUITY: Some tax issues do not have just one correct answer. **Ethics & Equity** features will spark critical thinking and invite classroom discussion, enticing students to evaluate their own value system. Suggested answers to Ethics & Equity scenarios appear in the Solutions Manual.

TAX PLANNING: Chapters include a separate section calling attention to how taxpayers can use the law to reach financial and other goals. Tax planning applications and suggestions also appear throughout each chapter.

27-5 TAX PLANNING

27-5a The Federal Gift Tax

For gifts that generate a tax, consideration must be given to the present value to the donor of the gift taxes paid. Because the donor loses the use of these funds, the expected interval between a gift (the imposition of the gift tax) and death (the imposition of the estate tax) may make the gift less attractive from an economic standpoint. On the plus side, however, are the estate tax savings that result from any gift tax paid. Because these funds are no longer in the gross estate of the donor (except for certain gifts within three years of death), the estate tax thereon is avoided.



GLOBAL TAX ISSUES Tracking Down Tax Dollars

Non-U.S. persons who earn income within the United States may need to file a Federal income tax return, but they may not have a Social Security number for filing purposes. If not, they can use a nine-digit Individual Tax Identification Number (ITIN) instead. The IRS issues ITINs upon the submission of an application and proof of identification (e.g., a driver's license). As the IRS does not require an applicant to show that he or she is in the United States legally, the ITINs are freely available to undocumented persons (i.e., illegal immigrants). The use of an ITIN also can enable the holder to carry out other financial transactions (e.g., establish a bank account, secure a credit card, and obtain a loan).

The position of the IRS is that the current ITIN procedure brings in revenue that otherwise would not be forthcoming. Some undocumented workers want to comply with the law and pay the income taxes they owe. This practice should not be discouraged, as the tax law applies with equal force to legal and illegal residents of the United States.

However, ITINs have been criticized for their use by illegal immigrants and undocumented workers. A recent report found that individuals who are not authorized to work in the United States were paid \$4.2 billion in refundable tax credits, such as the child tax credit, because they were able to file tax returns using an ITIN.

GLOBAL TAX ISSUES: The **Global Tax Issues** feature gives insight into the ways in which taxation is affected by international concerns and illustrates the effects of various events on tax liabilities across the globe.

Take your students from Motivation to Mastery with CengageNOWv2

CengageNOWv2 is a powerful course management tool and online homework resource that elevates student thinking by providing superior content designed with the entire student workflow in mind.



❑ **MOTIVATION:** engage students and better prepare them for class

❑ **APPLICATION:** help students learn problem-solving behavior and skills to guide them to complete taxation problems on their own

❑ **MASTERY:** help students make the leap from memorizing concepts to actual critical thinking

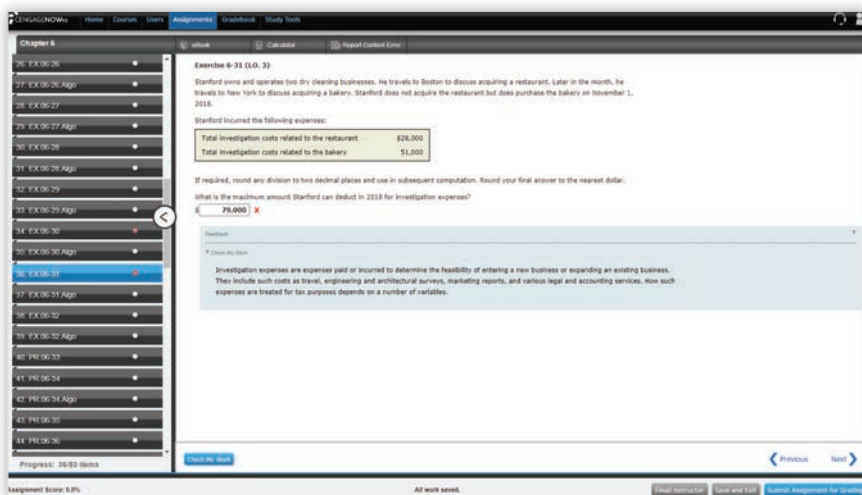
Motivation —

Many instructors find that students come to class unmotivated and unprepared. To help with engagement and preparedness, CengageNOWv2 for SWFT offers:

- ❑ **“Tax Drills” test students on key concepts and applications.** With three to five questions per learning objective, these “quick-hit” questions help students prepare for class lectures or review prior to an exam.



Application —



Students need to learn problem-solving behavior and skills, to guide them to complete taxation problems on their own. However, as students try to work through homework problems, sometimes they become stuck and need extra help. To reinforce concepts and keep students on the right track, CengageNOWv2 for SWFT offers the following.

- ❑ **End-of-chapter homework from the text** is expanded and enhanced to follow the workflow a professional would use to solve various client scenarios. These enhancements better engage students and encourage them to think like a tax professional.

- ❑ **Algorithmic versions** of end-of-chapter homework are available for computational exercises and at least 15 problems per chapter.
- ❑ **“Check My Work” Feedback.** Homework questions include immediate feedback so students can learn as they go. Levels of feedback include an option for “check my work” prior to submission of an assignment.
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Mastery —

- ❑ **Tax Form Problems** give students the option to complete the Cumulative Intuit ProConnect Problems and other homework items found in the end-of-chapter manually or in a digital environment.
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EXTENSIVELY REVISED. DEFINITELY UP TO DATE.

Each year the ***South-Western Federal Taxation*** series is updated with thousands of changes to each text. Some of these changes result from the feedback we receive from instructors and students in the form of reviews, focus groups, web surveys, and personal e-mail correspondence with our authors and team members. Other changes come from our careful analysis of the evolving tax environment. **We make sure that every tax law change relevant to the introductory taxation course was considered, summarized, and fully integrated into the revision of text and supplementary materials.**

The ***South-Western Federal Taxation*** authors have made every effort to keep all materials up to date and accurate. All chapters contain the following general changes for the 2021 Edition.

- Updated materials to reflect changes made by Congress through legislative action (including the tax provisions contained in the Consolidated Appropriations Act of 2020).
- Streamlined chapter content (where applicable) to clarify material and make it easier for students to understand.
- Revised numerous materials as the result of changes caused by indexing of statutory amounts.
- Revised Problem Materials, Computational Exercises, and CPA Exam problems.
- Updated Chapter Outlines to provide an overview of the material and to make it easier to locate specific topics.
- Revised *Financial Disclosure Insights* and *Global Tax Issues* as to current developments.

In addition, the following materials are available online.

- An appendix that helps instructors broaden and customize coverage of important tax provisions of the Affordable Care Act. (Instructor Companion Website at www.cengage.com/login)
- The Depreciation and the Accelerated Cost Recovery System (ACRS) appendix. (Instructor Companion Website at www.cengage.com/login)
- An appendix that has comprehensive tax return problems for the 2019 tax filing year (Appendix E). (Instructor Companion Website at www.cengage.com/login)

- The *Taxation in the Real World* weekly blog posts for instructors. (tinyurl.com/swft-blog)

Chapter 1

- Clarified the wording for several learning objectives.
- Clarified the terms *progressive*, *regressive*, and *proportional* using new examples. These terms are used in the context of how a tax affects low-income taxpayers relative to high-income taxpayers.
- Added a new question to encourage students to review the text to identify features that can help them in learning about taxes (e.g., the glossary and list of key terms in each chapter).

Chapter 2

- Made minor changes to Exhibit 2.4 and Concept Summary 2.1.
- Updated references and citations throughout the chapter.
- Updated discussion on changes to the CPA Exam.

Chapter 3

- Updated chapter materials to reflect revised Form 1040 and related schedules.
- Added exhibit summarizing when Form 1040 Schedules 1 through 3 are used.
- Updated the exhibit summarizing the 0, 15, and 20 percent break points for the alternative tax on net capital gains.
- Added new material on the taxation of virtual currency (text Section 3-7e).
- Updated chapter materials to reflect 2020 inflation adjustments.
- Revised and clarified materials as needed throughout the chapter.

Chapter 4

- Combined former text Sections 4-1d and 4-1e discussing the differences between economic, accounting, and taxable income.
- Moved discussion of group term life insurance to Chapter 5 with other employment-related fringe benefits.

- Added the recognition of unrealized gains on marketable securities for financial reporting purposes as an example of a financial accounting income versus taxable income difference.
- Deleted discussion of Rev.Proc. 2004–34 dealing with the treatment of unearned income prior to the passage of IRC § 451(c).
- Expanded the examples related to imputed interest to include the deemed retransfer from the lender to the borrower required in § 7872(a)(1)(A).

Chapter 5

- Added group term life insurance to discussion of employee fringe benefits (new text Section 5-8e; previously covered in Chapter 4).
- Added a discussion of Rev.Rul. 2019–11 on how the tax benefit rule applies in light of the \$10,000 SALT cap added by the TCJA of 2017.
- Updated text materials for 2020 inflation adjustments; revised other materials as needed.
- Added an additional problem on the tax benefit rule with the \$10,000 SALT cap.

Chapter 6

- Revised and updated chapter materials as needed; clarified chapter materials when necessary.
- Updated Exhibit 6.2 to reflect revised Form 1040 (and Schedules).
- Updated Exhibit 6.3, summarizing the limitations that may reduce or eliminate the QBI deduction.
- Updated the Ethics & Equity item on marijuana to reflect both medical and nonmedical adult use activities.
- Updated text and end-of-chapter materials as needed to reflect revised inflation-adjusted items and revised Form 1040 (and Schedules).

Chapter 7

- Revised and clarified chapter materials as needed.
- Updated text and end-of-chapter materials to reflect annual inflation adjustments.

- Revised a Research Problem to include implications of states not conforming to TCJA of 2017 changes [e.g., personal casualty losses, excess business loss limitation, net operating loss limitations (carryforward only; 80 percent of taxable income limitation)].

Chapter 8

- Removed discussion of pre-MACRS depreciation systems at beginning of chapter; directed readers to online appendix summarizing these pre-1987 rules.
- Updated chapter materials to reflect various inflation adjustments.
- Updated in-chapter example illustrating Form 4562 and Schedule C (Form 1040) to 2019 forms.
- Selectively removed some overemphasized content.

Chapter 9

- Revised and clarified chapter materials based on adopter feedback.
- Updated text and end-of-chapter materials to reflect revised standard mileage amounts.
- Updated content related to § 401(k) plans, self-employed retirement plans, IRA and Roth IRA, and rollovers.
- Updated balance of end-of-chapter materials as needed.

Chapter 10

- Revised and clarified text as needed.
- Updated text and end-of-chapter materials for annual inflation adjustments.

Chapter 11

- Clarified special rule for real estate professionals, specifically, that if the requirements are met, they can apply a material participation test to their rental real estate (i.e., not *per se* a passive activity).
- Revised and clarified materials as needed throughout the chapter.
- Updated text and end-of-chapter materials to reflect annual inflation adjustments.

Chapter 12

- Updated chapter materials as needed for new law and inflation adjustments.

Chapter 13

- Clarified rules on basis of inherited property.
- Clarified and expanded wash sale rule coverage.

Chapter 14

- Updated text materials for 2020 inflation adjustments to Tax Rate Schedules and alternative tax rate brackets (for net capital gains).
- Added new exhibit on the alternative Tax Rate Schedule for net capital gains.

Chapter 15

- Changed title to better reflect chapter content.
- Revised and clarified materials based on feedback from adopters.
- Updated chapter materials to reflect inflation adjustments to threshold amounts for the QBI deduction.
- Expanded an end-of-chapter problem to include a computation of the taxpayer's marginal tax rate when the taxpayer is in the QBI deduction phaseout range.
- Updated end-of-chapter materials as needed (including revisions for inflation adjustments to threshold amounts).

Chapter 16

- Simplified the explanation of the possible limitation on the salary deduction for a personal service corporation using a special tax year per § 444.
- Removed questions on the salary reduction calculation for a personal service corporation making a § 444 election to use a year other than the required calendar year.

Chapter 17

- Updated chapter materials as needed for new rulings and inflation adjustments.

- Significantly revised chapter materials on accounting for income taxes, emphasizing and illustrating the balance sheet approach adopted by ASC 740.
- Updated end-of-chapter materials as needed.
- Added a new Research Problem focused on the donation of inventory items to local food banks or shelters.

Chapter 18

- Streamlined writing to reduce passive voice and increase clarity.
- Added a new planning section comparing a corporation to proprietorships that do/do not qualify for the § 199A qualified business income deduction.
- Added a new problem that asks students to use Microsoft Excel to compare a corporation to proprietorships that do/do not qualify for the § 199A qualified business income deduction.

Chapter 19

- Revised and updated chapter materials as needed; clarified chapter materials when necessary.
- Created a new Research Problem on Qualified Opportunity Zones (established by the TCJA of 2017).
- Updated end-of-chapter materials as needed.

Chapter 20

- Updated and clarified text and end-of-chapter materials as needed.
- Revised introductory paragraphs in the reorganization discussion.
- Replaced the Financial Disclosure discussion about M&A deals that do not succeed.
- Replaced internet Research Problem 5.

Chapter 21

- Revised LO 7 to focus on the partner's perspective, which now reads as "Describe the information provided on a partner's Schedule K-1 and how the partner reports that information."

- Split old text Section 21-3 into partnership and partner reporting sections.
 - Section 21-3, Partnership Operations and Reporting
 - Section 21-4, Partner Calculations and Reporting
- Revised and renamed text Section 21-5, Other Taxes on Partnership Income.
 - Simplified related-party transactions content and incorporated it into the corresponding section of the Tax Planning materials (text Section 21-9).
 - Covered (only) self-employment tax and the net investment income tax.
- Replaced old Exhibit 21.1 with a chart summarizing partnership taxable year options.
- Added a new Financial Disclosure Insights item to introduce special features of GAAP-basis financial statements issued by partnerships.
- Replaced Research Problem 3.

Chapter 22

- Revised introductory discussion and added Exhibit 22.1 comparing business entities.
- Reduced materials concerning the QBI regime and straight debt.
- Added two new Microsoft Excel problems.
- Added a new Research Problem.

Chapter 23

- Updated statistics relative to the exempt economy, private foundations, and UBIT.
- Added discussion of the effects of tax exemptions on state and local governments.
- Revised and reorganized material on determining exempt status.
- Added material about the investment income tax on universities.
- Added material on filing the Form 990, including potential penalties and loss of exempt status.
- Added one more Microsoft Excel problem.

Chapter 24

- Updated statistics about state/local tax collections.
- Clarified the role of the Multistate Tax Compact, the MTC, and the UDITPA.
- Updated financial statement data for the state/local tax expenses of selected corporations.
- Added definitional material for the use tax and illustrated it in new Exhibit 24.4.
- Added material as to economic sales/use tax nexus and nexus by marketplace facilitators.
- Added material on minimum income taxes by states for flow-through entities.
- Expanded the discussion of how § 118 may generate gross income from government incentives for retention or expansion of a business; added a related planning discussion to the Refocus on the Big Picture feature.
- Added economic nexus items to two Research Problems.

Chapter 25

- Combined income sourcing rules into a single section (text Section 25-3a).
- Updated and added statistics about the global economy, worldwide tax rates, treaty withholding rates, advance pricing agreements, FTC deferrals, and CFCs.
- Added explanation of withholding taxes for payments to non-U.S. persons.
- Added definition of a foreign branch.
- Clarified the makeup of the foreign tax credit general income basket.
- Clarified the application of § 367 to cross-border transfers.
- Reduced discussion of the 2017 one-time transition tax on unrepatriated profits.
- Added comments about tax planning for multinationals.
- Added a Microsoft Excel feature to one problem.

Chapter 26

- Updated statistics about IRS budget and audit rates.
- Updated IRS organizational chart to show the new Independent Office of Appeals.
- Updated statistics about the informant and whistleblower programs.
- Updated various penalty and interest amounts and statistics.
- Updated statistics for offers in compromise.
- Added two more internet Research Problems.

Chapter 27

- Incorporated indexed amounts for deductions, exclusions, and credits.
- Added a cross reference to text Exhibit 28.2 to illustrate the terms and operations of a trust in defining present and future interests.

- Clarified language defining the incidents of ownership for a life insurance policy.
- Clarified the discussion involving the optimal use of the bypass amount.
- Added another Microsoft Excel requirement.

Chapter 28

- Updated statistics as to Form 1041 filings and income sources.
- Updated comparison of Federal income tax liabilities among types of filing entity, showing the high marginal rates on fiduciaries.
- Updated amounts pertaining to AMT and the NIIT for fiduciary entities and clarification of the application of the NIIT to trusts.
- Added and updated examples of entity deductions and their limitations.
- Expanded computations in Example 13.
- Expanded Concept Summary 28.3.

TAX LAW OUTLOOK

From your SWFT Series Editors

Although Congress continues to discuss technical corrections to the Tax Cuts and Jobs Act of 2017 (TCJA), the 2020 election likely will put most legislative tax changes on hold. Nonetheless, we anticipate that Treasury and the IRS will continue to issue guidance on the TCJA throughout 2020 and beyond. With any additional guidance forthcoming, taxpayers and their advisers will continue to evaluate how TCJA changes affect their financial and tax planning strategies and will adjust their plans appropriately. In addition, as candidates prepare for the 2020 presidential election, many tax ideas will be suggested. They present opportunities for students and researchers to analyze how they work and how they measure up against principles of good tax policy.

The SWFT editors will be monitoring these activities and provide updates to adopters as needed, including via the SWFT blog *Taxation in the Real World* (tinyurl.com/swft-blog).

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Solutions Manual

Written by the *South-Western Federal Taxation* editors and authors, the Solutions Manual features solutions arranged in accordance with the sequence of chapter material.

Solutions to all homework items are tagged with their Estimated Time to Complete, Level of Difficulty, and Learning Objective(s), as well as the AACSB's and AICPA's core competencies—giving instructors more control than ever in selecting homework to match the topics covered. The Solutions Manual also contains the solutions to Appendix E: Comprehensive Tax Return Problems and answers with explanations to the end-of-chapter Becker CPA Review Questions. **Available on the Instructor Companion Website at www.cengage.com/login.**

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Written by the *South-Western Federal Taxation* editors and authors, the Test Bank contains approximately 2,200 items and solutions arranged in accordance with the sequence of chapter material.

Each test item is tagged with its Estimated Time to Complete, Level of Difficulty, and Learning Objective(s), as well as the AACSB's and AICPA's core competencies—for easier instructor planning and test item selection. The 2021 Test Bank is available in Cengage's test generator software, Cognero.

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- The Depreciation and the Accelerated Cost Recovery System (ACRS) appendix
- Comprehensive Tax Return Problems appendix

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- Remove chapters you do not cover or rearrange their order to create a streamlined and efficient text.
- Add your own material to cover additional topics or information.
- Add relevance by including sections from Sawyers/Gill's *Federal Tax Research* or your state's tax laws and regulations.

ACKNOWLEDGMENTS

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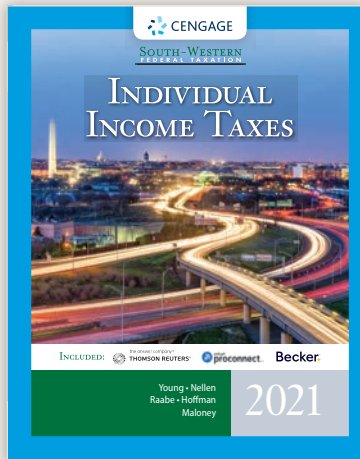
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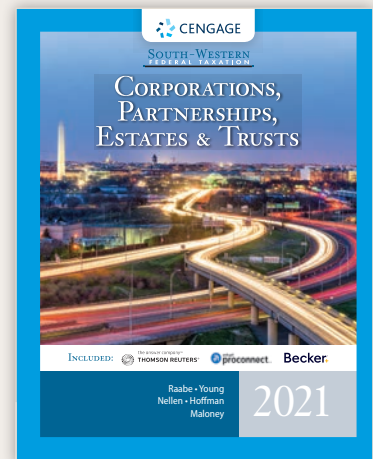
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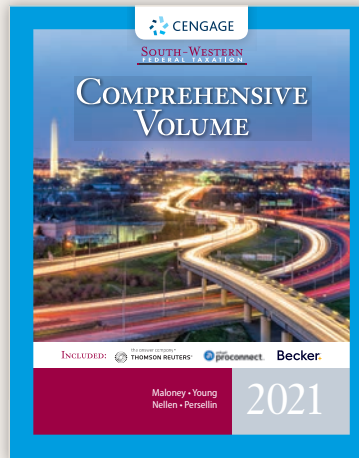
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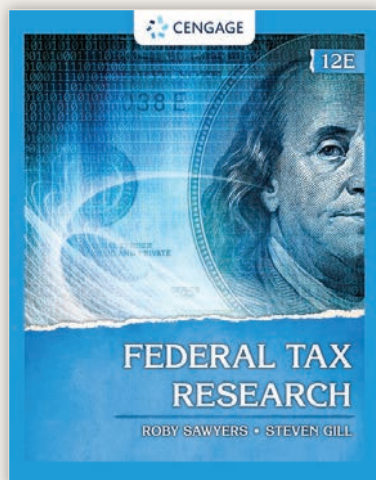
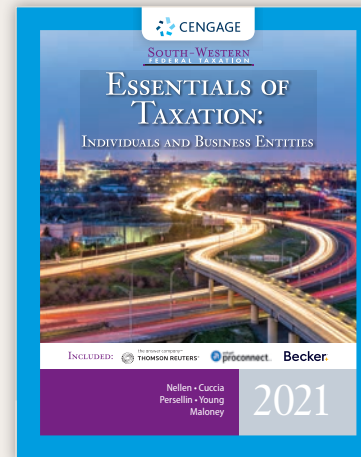
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Brief Contents

PART 1: INTRODUCTION AND BASIC TAX MODEL

CHAPTER 1	AN INTRODUCTION TO TAXATION AND UNDERSTANDING THE FEDERAL TAX LAW	1-1
CHAPTER 2	WORKING WITH THE TAX LAW	2-1
CHAPTER 3	COMPUTING THE TAX	3-1

PART 2: GROSS INCOME

CHAPTER 4	GROSS INCOME: CONCEPTS AND INCLUSIONS	4-1
CHAPTER 5	GROSS INCOME: EXCLUSIONS	5-1

PART 3: DEDUCTIONS AND CREDITS

CHAPTER 6	DEDUCTIONS AND LOSSES: IN GENERAL	6-1
CHAPTER 7	DEDUCTIONS AND LOSSES: CERTAIN BUSINESS EXPENSES AND LOSSES	7-1
CHAPTER 8	DEPRECIATION, COST RECOVERY, AMORTIZATION, AND DEPLETION	8-1
CHAPTER 9	DEDUCTIONS: EMPLOYEE AND SELF-EMPLOYED-RELATED EXPENSES	9-1
CHAPTER 10	DEDUCTIONS AND LOSSES: CERTAIN ITEMIZED DEDUCTIONS	10-1
CHAPTER 11	INVESTOR LOSSES	11-1
CHAPTER 12	TAX CREDITS AND PAYMENTS	12-1

PART 4: PROPERTY TRANSACTIONS

CHAPTER 13	PROPERTY TRANSACTIONS: DETERMINATION OF GAIN OR LOSS, BASIS CONSIDERATIONS, AND NONTAXABLE EXCHANGES	13-1
CHAPTER 14	PROPERTY TRANSACTIONS: CAPITAL GAINS AND LOSSES, § 1231, AND RECAPTURE PROVISIONS	14-1

PART 5: SPECIAL TAX COMPUTATIONS AND ACCOUNTING PERIODS AND METHODS

CHAPTER 15	THE DEDUCTION FOR QUALIFIED BUSINESS INCOME FOR NONCORPORATE TAXPAYERS	15-1
CHAPTER 16	ACCOUNTING PERIODS AND METHODS	16-1

PART 6: CORPORATIONS

CHAPTER 17	CORPORATIONS: INTRODUCTION AND OPERATING RULES	17-1
CHAPTER 18	CORPORATIONS: ORGANIZATION AND CAPITAL STRUCTURE	18-1
CHAPTER 19	CORPORATIONS: DISTRIBUTIONS NOT IN COMPLETE LIQUIDATION	19-1
CHAPTER 20	CORPORATIONS: DISTRIBUTIONS IN COMPLETE LIQUIDATION AND AN OVERVIEW OF REORGANIZATIONS	20-1

PART 7: FLOW-THROUGH ENTITIES

CHAPTER 21	PARTNERSHIPS	21-1
CHAPTER 22	S CORPORATIONS	22-1

PART 8: ADVANCED TAX PRACTICE CONSIDERATIONS

CHAPTER 23	EXEMPT ENTITIES	23-1
CHAPTER 24	MULTISTATE CORPORATE TAXATION	24-1
CHAPTER 25	TAXATION OF INTERNATIONAL TRANSACTIONS	25-1
CHAPTER 26	TAX PRACTICE AND ETHICS	26-1

PART 9: FAMILY TAX PLANNING

CHAPTER 27	THE FEDERAL GIFT AND ESTATE TAXES	27-1
CHAPTER 28	INCOME TAXATION OF TRUSTS AND ESTATES	28-1



Contents

Part 1: Introduction and Basic Tax Model

CHAPTER 1

AN INTRODUCTION TO TAXATION AND UNDERSTANDING THE FEDERAL TAX LAW 1-1

The Big Picture: *Family and Taxes—A Typical Year* 1-1

APPROACHING THE STUDY OF TAXATION 1-2

What Is Taxation? 1-2

Taxation in Our Lives 1-2

The Relevance of Taxation to Accounting and Finance Professionals 1-3

How to Study Taxation 1-4

A BRIEF HISTORY OF U.S. TAXATION 1-4

Early Periods 1-4

Concept Summary: *Individuals and Taxes* 1-5

Revenue Acts 1-5

Trends 1-6

TAX SYSTEM DESIGN 1-6

Legal Foundation 1-6

The Basic Tax Formula 1-7

Tax Principles 1-8

MAJOR TYPES OF TAXES 1-8

Property Taxes 1-10

Transaction Taxes 1-11

Ethics & Equity: *Making Good Use of Out-of-State Relatives* 1-12

Taxes on Transfers at Death 1-13

Gift Taxes 1-14

Income Taxes 1-15

Employment Taxes 1-17

Other U.S. Taxes 1-18

Concept Summary: *Overview of Taxes in the United States* 1-19

Proposed U.S. Taxes 1-20

Global Tax Issues: *VAT in USA?* 1-21

TAX ADMINISTRATION 1-21

Internal Revenue Service 1-21

The Audit Process 1-21

Statute of Limitations 1-24

Interest and Penalties 1-24

Tax Practice 1-25

Global Tax Issues: *Outsourcing of Tax Return Preparation* 1-26

UNDERSTANDING THE FEDERAL TAX LAW 1-27

Revenue Needs 1-27

Economic Considerations 1-27

Social Considerations 1-28

Equity Considerations 1-29

Political Considerations 1-31

Influence of the Internal Revenue Service 1-32

Influence of the Courts 1-33

Summary 1-34

Refocus on the Big Picture: *Family and Taxes—A Typical Year* 1-35

CHAPTER 2

WORKING WITH THE TAX LAW 2-1

The Big Picture: *Importance of Tax Research* 2-1

TAX SOURCES 2-2

Statutory Sources of the Tax Law 2-2

Administrative Sources of the Tax Law 2-6

Ethics & Equity: *Reporting Tax Fraud* 2-7

Judicial Sources of the Tax Law 2-10

Concept Summary: *Federal Judicial System: Trial Courts* 2-12

Concept Summary: *Judicial Sources* 2-15

Other Sources of the Tax Law 2-17

WORKING WITH THE TAX LAW—

TAX RESEARCH TOOLS 2-18

Commercial Tax Services 2-18

Using Electronic (Online) Tax Services 2-19

Noncommercial Electronic (Online) Tax Services 2-19

WORKING WITH THE TAX LAW—

TAX RESEARCH 2-20

Identifying the Problem 2-22

Refining the Problem 2-22

Locating the Appropriate Tax Law Sources 2-23

Assessing the Validity of Tax Law Sources 2-23

Arriving at the Solution or at Alternative Solutions 2-25

Financial Disclosure Insights: *Where Does GAAP Come From?* 2-26

Communicating Tax Research 2-26

WORKING WITH THE TAX LAW—**TAX PLANNING**

Nontax Considerations	2-29
Components of Tax Planning	2-29
Tax Avoidance and Tax Evasion	2-30
Follow-Up Procedures	2-30
Tax Planning	2-31

TAXATION ON THE CPA EXAMINATION

Preparation Blueprints	2-31
Regulation Section	2-31

CHAPTER 3**COMPUTING THE TAX**

The Big Picture: <i>A Divided Household</i>	3-1
--	-----

TAX FORMULA

Components of the Tax Formula	3-2
Concept Summary: <i>Tax Formula for Individuals</i>	3-3
Global Tax Issues: <i>Citizenship Is Not Tax-Free</i>	3-5
Standard Deduction	3-6
Application of the Tax Formula	3-9

EXEMPTIONS**DEPENDENTS**

Qualifying Child	3-9
Qualifying Relative	3-11
Other Rules for Determining Dependents	3-14
Comparison of Dependent Categories	3-15
Concept Summary: <i>Tests to Identify a Dependent</i>	3-15
Child and Dependent Tax Credits	3-15

FILING THE RETURN

Filing Status	3-17
Ethics & Equity: <i>Abandoned Spouse?</i>	3-20
Filing the Return	3-21
Global Tax Issues: <i>Tracking Down Tax Dollars</i>	3-23

TAX COMPUTATIONS

Tax Rates	3-24
Tax Table Method	3-24
Tax Rate Schedule Method	3-24
Computation of Net Taxes Payable or Refund Due	3-25
Kiddie Tax—Unearned Income of Dependent Children	3-26

GAINS AND LOSSES FROM PROPERTY**TRANSACTIONS—IN GENERAL****GAINS AND LOSSES FROM PROPERTY
TRANSACTIONS—CAPITAL GAINS AND LOSSES**

Capital Assets	3-29
Taxation of Net Capital Gain	3-29
Determination of Net Capital Gain	3-30
Treatment of Net Capital Loss	3-31
Taxation of Virtual Currency	3-31

TAX PLANNING

Optimizing the Use of the Standard Deduction	3-32
Taking Advantage of Tax Rate Differentials	3-32
Unearned Income of Children	3-33
Refocus on the Big Picture: <i>A Divided Household</i>	3-33

Part 2: Gross Income**CHAPTER 4****GROSS INCOME: CONCEPTS AND
INCLUSIONS**

The Big Picture: <i>Calculation of Gross Income</i>	4-1
Global Tax Issues: <i>From “All Sources” Is a Broad Definition</i>	4-3

GROSS INCOME

Definition	4-3
Recovery of Capital Doctrine	4-3
Economic and Accounting Concepts of Income	4-4
Financial Accounting Income versus Taxable Income	4-4
Form of Receipt	4-5

TIMING OF INCOME RECOGNITION

Taxable Year	4-6
Accounting Methods	4-6
Special Rules Applicable to Cash Basis Taxpayers	4-9
Ethics & Equity: <i>Should the Tax Treatment of Government Bonds and Corporate Bonds Be Different?</i>	4-11
Exceptions Applicable to Accrual Basis Taxpayers	4-12

**GENERAL SOURCES OF INCOME AND TO WHOM
THEY ARE TAXED**

Personal Services	4-13
Income from Property	4-13
Income Received by an Agent	4-16
Income from Partnerships, S Corporations, Trusts, and Estates	4-16
Concept Summary: <i>Taxation of Income and Distributions</i>	4-17
Income in Community Property States	4-17

**ITEMS SPECIFICALLY INCLUDED IN
GROSS INCOME**

Alimony and Separate Maintenance Payments	4-19
Concept Summary: <i>Tax Treatment of Payments and Transfers Pursuant to Divorce Agreements and Decrees</i>	4-21
Imputed Interest on Below-Market Loans	4-21
Concept Summary: <i>Effect of Certain Below-Market Loans on the Lender and Borrower</i>	4-22
Concept Summary: <i>Exceptions to the Imputed Interest Rules for Below-Market Loans</i>	4-24
Ethics & Equity: <i>Taxing “Made-Up” Income</i>	4-24
Income from Annuities	4-24
Prizes and Awards	4-27
Unemployment Compensation	4-27
Social Security Benefits	4-28
Income Earned from Foreign Bank and Financial Accounts and FBAR Rules	4-29

TAX PLANNING

Minimize Income Included in Gross Income

Tax Deferral

Shifting Income to Other Taxpayers

Refocus on the Big Picture: *Calculation of Gross Income*

4-29

4-30

4-30

4-32

4-33

CHAPTER 5

GROSS INCOME: EXCLUSIONS

The Big Picture: *Exclusions*

5-1

5-1

STATUTORY AUTHORITY

5-2

GIFTS AND INHERITANCES

5-3

Legislative Intent

5-3

Employer Payments to Employees

5-3

Employee Death Benefits

5-4

LIFE INSURANCE PROCEEDS

5-4

General Rule

5-4

Accelerated Death Benefits

5-5

Ethics & Equity: *Should the Terminally Ill Pay Social Security Taxes?*

5-6

Transfer for Valuable Consideration

5-6

SCHOLARSHIPS

5-7

General Information

5-7

Timing Issues

5-8

COMPENSATION FOR INJURIES AND SICKNESS

5-8

Damages

5-8

Ethics & Equity: *Tax Treatment of Damages Not Related to Physical Personal Injury*

5-9

Concept Summary: *Taxation of Damages*

5-9

Ethics & Equity: *Classifying the Amount of the Claim*

5-10

Wrongful Incarceration

5-10

Workers' Compensation

5-10

Accident and Health Insurance Benefits

5-10

EMPLOYER-SPONSORED ACCIDENT AND HEALTH PLANS

5-11

Medical Reimbursement Plans

5-11

Long-Term Care Insurance Benefits

5-12

MEALS AND LODGING

5-13

General Rules for the Exclusion

5-13

Other Housing Exclusions

5-14

EMPLOYEE FRINGE BENEFITS

5-14

Specific Benefits

5-15

Cafeteria Plans

5-15

Flexible Spending Plans

5-16

General Classes of Excluded Benefits

5-16

Ethics & Equity: *Fringe Benefits*

5-20

Group Term Life Insurance

5-20

FOREIGN EARNED INCOME

5-21

Concept Summary: *Employee Fringe Benefits*

5-22

Global Tax Issues: *Benefits of the Earned Income Exclusion Are Questioned*

5-23

INTEREST ON CERTAIN STATE AND LOCAL GOVERNMENT OBLIGATIONS

5-23

CORPORATE DISTRIBUTIONS TO SHAREHOLDERS

5-24

General Information

5-24

Stock Dividends

5-25

EDUCATIONAL SAVINGS BONDS

5-25

EDUCATION SAVINGS PROGRAMS (§ 529 AND § 530 PLANS)

5-26

Qualified Tuition Program

5-26

Coverdell Education Savings Account

5-27

QUALIFIED ABLE PROGRAMS (§ 529A PLANS)

5-27

TAX BENEFIT RULE

5-27

INCOME FROM DISCHARGE OF INDEBTEDNESS

5-29

TAX PLANNING

5-30

Life Insurance

5-30

Employee Fringe Benefits

5-30

Investment Income

5-31

Refocus on the Big Picture: *Exclusions*

5-32

Part 3: Deductions and Credits

CHAPTER 6

DEDUCTIONS AND LOSSES: IN GENERAL

6-1

The Big Picture: *Calculation of Deductible Expenses*

6-1

CLASSIFICATION OF DEDUCTIBLE EXPENSES

6-2

Classifying Deductions

6-3

Authority for Deductions

6-3

Deduction Criteria for § 162 and § 212

6-5

Personal Expenses

6-6

Business and Nonbusiness Losses

6-6

Deduction for Qualified Business Income

6-7

Reporting Procedures

6-8

DEDUCTIONS AND LOSSES—TIMING OF EXPENSE RECOGNITION

6-9

Importance of Taxpayer's Method of Accounting

6-9

Cash Method Requirements

6-10

Accrual Method Requirements

6-10

Prepaid Expenses—The "12-Month Rule"

6-12

Time Value of Tax Deductions

6-12

DISALLOWANCE POSSIBILITIES

6-13

Public Policy Limitation

6-13

Global Tax Issues: *Overseas Gun Sales Result in Large Fines*

6-14

Ethics & Equity: <i>State Allowed Marijuana Activity: Do Regular Business Deduction Rules Apply (or Those for Drug Dealers)?</i>	6-15	Concept Summary: <i>Statutory Framework for Deducting Losses of Individuals</i>	7-15
Political Contributions and Lobbying Activities	6-15		
Excessive Executive Compensation	6-16		
Investigation of a Business	6-17		
Concept Summary: <i>Costs of Investigating a Business</i>	6-18		
Hobby Losses	6-18		
Concept Summary: <i>Common Questions from the IRS Concerning Hobbies/Businesses with Losses</i>	6-20		
Rental of Vacation Homes	6-21		
Concept Summary: <i>Vacation/Rental Home</i>	6-22		
Expenditures Incurred for Taxpayer's Benefit or Taxpayer's Obligation	6-25		
Disallowance of Personal Expenditures	6-26		
Ethics & Equity: <i>Personal or Business Expenses?</i>	6-26		
Disallowance of Deductions for Capital Expenditures	6-26		
Transactions between Related Parties	6-28		
Substantiation Requirements	6-29		
Expenses and Interest Relating to Tax-Exempt Income	6-29		
Other Disallowances	6-30		
TAX PLANNING	6-30		
Vacation Homes	6-30		
Concept Summary: <i>Classification of Expenses</i>	6-31		
Hobby Losses	6-32		
Do Deduction Limits Affect Executive Compensation?	6-33		
Refocus on the Big Picture: <i>Calculation of Deductible Business Expenses and Tax Planning</i>	6-33		
CHAPTER 7		CHAPTER 8	
DEDUCTIONS AND LOSSES: CERTAIN BUSINESS EXPENSES AND LOSSES	7-1	DEPRECIATION, COST RECOVERY, AMORTIZATION, AND DEPLETION	8-1
The Big Picture: <i>Losses</i>	7-1	The Big Picture: <i>Calculating Cost Recovery Deductions</i>	8-1
BAD DEBTS	7-2	DEPRECIATION AND COST RECOVERY	8-2
Specific Charge-Off Method	7-3	Nature of Property	8-2
Concept Summary: <i>The Tax Treatment of Bad Debts Using the Specific Charge-Off Method</i>	7-4	Placed in Service Requirement	8-3
Business versus Nonbusiness Bad Debts	7-4	Cost Recovery Allowed or Allowable	8-3
Loans between Related Parties	7-5	Cost Recovery Basis for Personal Use Assets Converted to Business or Income-Producing Use	8-4
Concept Summary: <i>Bad Debt Deductions</i>	7-5		
WORTHLESS SECURITIES AND SMALL BUSINESS STOCK LOSSES	7-6	MODIFIED ACCELERATED COST RECOVERY SYSTEM (MACRS): GENERAL RULES	8-4
Worthless Securities	7-6	Concept Summary: <i>MACRS: Class Lives, Methods, and Conventions</i>	8-4
Small Business Stock (§ 1244 Stock) Losses	7-6	Personalty (and Certain Realty): Recovery Periods and Methods	8-5
LOSSES OF INDIVIDUALS	7-7	Financial Disclosure Insights: <i>Tax and Book Depreciation</i>	8-6
Events That Are Not Casualties	7-7	Concept Summary: <i>MACRS Conventions (by Property Type)</i>	8-6
Theft Losses	7-8	Concept Summary: <i>Straight-Line Cost Recovery under MACRS (Personalty vs. Realty)</i>	8-9
When to Deduct Casualty Losses	7-8	Realty: Recovery Periods and Methods	8-9
Measuring the Amount of Loss	7-9		
Ethics & Equity: <i>Is Policy Cancellation an Escape Hatch?</i>	7-10	MODIFIED ACCELERATED COST RECOVERY SYSTEM (MACRS): SPECIAL RULES	8-10
Personal Casualty Gains and Losses	7-12	Election to Expense Assets (§ 179)	8-10
Concept Summary: <i>Casualty Gains and Losses</i>	7-14	Ethics & Equity: <i>Section 179 Limitation</i>	8-14
Statutory Framework for Deducting Losses of Individuals	7-14	Additional First-Year Depreciation (Bonus Depreciation)	8-14
		Using § 179 and Bonus Depreciation Effectively	8-15
		Concept Summary: <i>Using § 179 and Bonus Depreciation in 2020</i>	8-17
		Business and Personal Use of Automobiles and Other Listed Property	8-18
		Alternative Depreciation System (ADS)	8-23
		REPORTING PROCEDURES	8-24
		AMORTIZATION	8-25

DEPLETION	8-28	Rollovers and Conversions	9-30
Intangible Drilling and Development Costs (IDCs)	8-29	Concept Summary: <i>Comparison of IRAs</i>	9-30
Depletion Methods	8-29		
TAX PLANNING	8-31	RETIREMENT PLANS FOR SELF-EMPLOYED INDIVIDUALS	9-31
Cost Recovery	8-31	Keogh (H.R. 10) Plans	9-31
Amortization	8-32	Solo § 401(k) Plans	9-31
Cost Recovery Tables	8-32	Savings Incentive Match Plan for Employees (SIMPLE Plans)	9-32
Refocus on the Big Picture: <i>Calculating Cost Recovery Deductions</i>	8-36	Simplified Employee Pension Plans (SEPs)	9-32
CHAPTER 9		CLASSIFICATION OF EMPLOYEE EXPENSES	9-33
DEDUCTIONS: EMPLOYEE AND SELF-EMPLOYED-RELATED EXPENSES	9-1	Accountable Plans	9-33
The Big Picture: <i>The First Job</i>	9-1	Nonaccountable Plans	9-34
EMPLOYEE VERSUS INDEPENDENT CONTRACTOR	9-2	LIMITATIONS ON ITEMIZED DEDUCTIONS	9-35
Concept Summary: <i>Employee versus Independent Contractor</i>	9-4	Miscellaneous Itemized Deductions Subject to the 2%-of-AGI Floor	9-35
SELF-EMPLOYED AND EMPLOYEE-RELATED EXPENSES—IN GENERAL	9-5	Miscellaneous Itemized Deductions Not Subject to the 2%-of-AGI Floor	9-35
TRANSPORTATION EXPENSES	9-5	TAX PLANNING	9-36
Qualified Expenses	9-5	Employment Status	9-36
Computation of Automobile Expenses	9-6	Implications of Misclassifying Workers	9-36
TRAVEL EXPENSES	9-9	Transportation and Travel Expenses	9-37
Definition of Travel Expenses	9-9	Education Expenses	9-37
Away-from-Home Requirement	9-10	Refocus on the Big Picture: <i>The First Job</i>	9-38
Restrictions on Travel Expenses	9-11		
Combined Business and Pleasure Travel	9-12	CHAPTER 10	
EDUCATION EXPENSES	9-14	DEDUCTIONS AND LOSSES: CERTAIN ITEMIZED DEDUCTIONS	10-1
General Requirements	9-14	The Big Picture: <i>Impact of Itemized Deductions on Major Purchases</i>	10-1
Legal Requirements to Keep a Job	9-14		
Maintaining or Improving Existing Skills	9-15	MEDICAL EXPENSES	10-3
Concept Summary: <i>Conditions for Deducting Regular Education Expenses</i>	9-15	Medical Expenses Defined	10-3
What Expenses Are Allowed?	9-15	Capital Expenditures for Medical Purposes	10-4
Deduction for Qualified Tuition and Related Expenses	9-16	Medical Expenses Incurred for Spouse and Dependents	10-5
Other Provisions Dealing with Education	9-17	Transportation, Meal, and Lodging Expenses for Medical Treatment	10-6
Concept Summary: <i>Tax Consequences of Provisions Dealing with Education</i>	9-17	Amounts Paid for Medical Insurance Premiums	10-6
OTHER BUSINESS EXPENSES	9-18	Year of Deduction	10-7
Office in the Home	9-18	Reimbursements	10-7
Moving Expenses	9-22	Health Savings Accounts	10-8
Entertainment and Meal Expenses	9-22	Affordable Care Act Provisions	10-10
Ethics & Equity: <i>Your Turn or Mine?</i>	9-23	TAXES	10-10
Miscellaneous Employee Expenses	9-24	Deductibility as a Tax	10-10
CONTRIBUTIONS TO RETIREMENT ACCOUNTS	9-25	Property Taxes	10-11
§ 401(k) Plans	9-25	State and Local Income Taxes and Sales Taxes	10-13
INDIVIDUAL RETIREMENT ACCOUNTS (IRAs)	9-26	INTEREST	10-14
General Rules	9-26	Allowed and Disallowed Items	10-14
Taxation of Benefits	9-29	Restrictions on Deductibility and Timing Considerations	10-17
		Classification of Interest Expense	10-17
		Concept Summary: <i>Deductibility of Personal, Student Loan, Mortgage, and Investment Interest</i>	10-18

CHARITABLE CONTRIBUTIONS	10-18	OTHER INVESTMENT LOSSES	11-23
Criteria for a Gift	10-18	Concept Summary: <i>Common Investment Loss Limitation Rules</i>	11-24
Qualified Organizations	10-20		
Ethics & Equity: <i>An Indirect Route to a Contribution Deduction</i>	10-20	TAX PLANNING	11-24
Time of Deduction	10-20	Using Passive Activity Losses	11-24
Record-Keeping and Valuation Requirements	10-21	Planning with the Investment Interest Limitation	11-26
Concept Summary: <i>Documentation and Substantiation Requirements for Charitable Contributions</i>	10-21	Effect of the Additional Tax on Net Investment Income	11-26
Global Tax Issues: <i>Choose the Charity Wisely</i>	10-22	Refocus on the Big Picture: <i>Investor Loss Limitations Affect the Viability of Certain Investment Opportunities</i>	11-27
Limitations on Charitable Contribution Deduction	10-22		
Concept Summary: <i>Determining the Deduction for Contributions of Appreciated Property by Individuals</i>	10-25		
TIMING OF PAYMENTS TO MAXIMIZE DEDUCTIONS	10-26	CHAPTER 12	
		TAX CREDITS AND PAYMENTS	12-1
OTHER ITEMIZED DEDUCTIONS	10-27	The Big Picture: <i>Education Tax Credits</i>	12-1
		TAX POLICY CONSIDERATIONS	12-3
COMPREHENSIVE EXAMPLE OF SCHEDULE A	10-27		
		TAX CREDITS	12-3
TAX PLANNING	10-29	Refundable versus Nonrefundable Credits	12-3
Maximizing the Medical Deduction	10-29	General Business Credit	12-5
Ensuring the Charitable Contribution Deduction	10-29	Treatment of Unused General Business Credits	12-5
Planning to Avoid Nondeductible Treatment	10-31		
Refocus on the Big Picture: <i>Impact of Itemized Deductions on Major Purchases</i>	10-31	SPECIFIC BUSINESS-RELATED TAX CREDITS	12-6
		Tax Credit for Rehabilitation Expenditures	12-6
CHAPTER 11		Ethics & Equity: <i>The Rehabilitation Tax Credit</i>	12-7
INVESTOR LOSSES	11-1	Work Opportunity Tax Credit	12-7
The Big Picture: <i>Investor Loss Limitations Affect the Viability of Certain Investment Opportunities</i>	11-1	Credit for Increasing Research Activities	12-8
		Low-Income Housing Credit	12-9
THE TAX SHELTER PROBLEM	11-2	Disabled Access Credit	12-10
		Credit for Small Employer Pension Plan Startup Costs	12-10
AT-RISK LIMITS	11-4	Credit for Employer-Provided Child Care	12-11
Concept Summary: <i>Calculation of At-Risk Amount</i>	11-5	Credit for Employer-Provided Family and Medical Leave	12-11
PASSIVE ACTIVITY LOSS LIMITS	11-5	OTHER TAX CREDITS	12-12
Classification and Impact of Passive Activity Income and Losses	11-5	Earned Income Credit	12-12
Taxpayers Subject to the Passive Activity Loss Rules	11-9	Ethics & Equity: <i>Holding on to the Earned Income Credit with the Aid of a Transient Child</i>	12-13
Rules for Determining Passive Activities	11-10	Foreign Tax Credit	12-13
Concept Summary: <i>Tests to Determine Material Participation</i>	11-14	Global Tax Issues: <i>Sourcing Income in Cyberspace—Getting It Right When Calculating the Foreign Tax Credit</i>	12-13
Interaction of the At-Risk and Passive Activity Loss Limits	11-15	Child and Dependent Tax Credits	12-14
Special Passive Activity Rules for Real Estate Activities	11-16	Credit for Child and Dependent Care Expenses	12-14
Concept Summary: <i>Treatment of Losses Subject to the At-Risk and Passive Activity Loss Limitations</i>	11-17	Education Tax Credits	12-16
Ethics & Equity: <i>Punching the Time Clock at Year-End</i>	11-18	Ethics & Equity: <i>Is This the Right Way to Use the Credit for Child and Dependent Care Expenses?</i>	12-16
Dispositions of Passive Interests	11-20	Energy Credits	12-18
		Credit for Certain Retirement Plan Contributions	12-18
INVESTMENT INTEREST LIMITATION	11-21	TAX PAYMENTS	12-19
Limitation Imposed	11-21	Concept Summary: <i>Major Tax Credits</i>	12-20
Concept Summary: <i>Passive Activity Loss Rules: Key Issues and Answers</i>	11-22	Payments by Employers	12-22
Computation of Allowable Deduction	11-23	Payments by Self-Employed Persons	12-22
		Affordable Care Act Provisions	12-24
		Alternative Minimum Tax	12-25

TAX PLANNING	12-27
Credit for Child and Dependent Care Expenses	12-27
Refocus on the Big Picture: Education Tax Credits	12-28

SALE OF A RESIDENCE—§ 121	13-35
Principal Residence	13-36
Requirements for Exclusion Treatment	13-36
Calculating the Exclusion	13-38
Exceptions to the Two-Year Rules	13-39

Part 4: Property Transactions

CHAPTER 13 PROPERTY TRANSACTIONS: DETERMINATION OF GAIN OR LOSS, BASIS CONSIDERATIONS, AND NONTAXABLE EXCHANGES **13-1**

The Big Picture: Sale or Gift of Inherited House and Other Property Transactions 13-1

DETERMINATION OF GAIN OR LOSS	13-2
Realized Gain or Loss	13-2
Concept Summary: Realized Gain or Loss	13-3
Recognized Gain or Loss	13-8
Concept Summary: Realized and Recognized Gain or Loss	13-9
Nonrecognition of Gain or Loss	13-9

BASIS CONSIDERATIONS	13-10
Determination of Cost Basis	13-10
Gift Basis	13-12
Inherited Property	13-14
Disallowed Losses	13-16
Concept Summary: Wash Sale Rules	13-18
Ethics & Equity: Washing a Loss Using an IRA	13-19
Conversion of Property from Personal Use to Business or Income-Producing Use	13-19
Summary of Basis Adjustments	13-20
Concept Summary: Adjustments to Basis	13-21

NONTAXABLE EXCHANGES	13-22
LIKE-KIND EXCHANGES—§ 1031	13-22
Like-Kind Property	13-23
Exchange Requirement	13-24
Concept Summary: Delayed § 1031 Exchange	13-25
Boot	13-25
Basis and Holding Period of Property Received	13-26
Reporting Considerations	13-29

INVOLUNTARY CONVERSIONS—§ 1033	13-29
Involuntary Conversion Defined	13-31
Computing the Amount Realized	13-31
Replacement Property	13-32
Concept Summary: Involuntary Conversions: Replacement Property Tests	13-33
Time Limitation on Replacement	13-33
Nonrecognition of Gain	13-34
Reporting Considerations	13-35

TAX PLANNING	13-41
Cost Identification and Documentation Considerations	13-41
Selection of Property for Making Gifts	13-41
Selection of Property to Pass at Death	13-42
Disallowed Losses	13-42
Like-Kind Exchanges	13-43
Involuntary Conversions	13-43
Sale of a Principal Residence	13-44
Refocus on the Big Picture: Sale or Gift of Inherited House and Other Property Transactions	13-45

CHAPTER 14 PROPERTY TRANSACTIONS: CAPITAL GAINS AND LOSSES, § 1231, AND RECAPTURE PROVISIONS **14-1**

The Big Picture: Managing Capital Asset Transactions 14-1

GENERAL SCHEME OF TAXATION	14-3
CAPITAL ASSETS	14-3
Definition of a Capital Asset (§ 1221)	14-4
Ethics & Equity: Sculpture as a Capital Asset	14-6
Effect of Judicial Action	14-6
Statutory Expansions	14-7

SALE OR EXCHANGE	14-8
Worthless Securities and § 1244 Stock	14-8
Retirement of Corporate Obligations	14-9
Options	14-9
Concept Summary: Options: Consequences to the Grantor and Grantee	14-11
Patents	14-11
Franchises, Trademarks, and Trade Names (§ 1253)	14-12
Concept Summary: Franchises: Consequences to the Franchisor and Franchisee	14-14
Lease Cancellation Payments	14-14

HOLDING PERIOD	14-15
General Rules	14-15
Special Holding Period Rules	14-15
Special Rules for Short Sales	14-16
Concept Summary: Short Sales of Securities	14-18

TAX TREATMENT OF CAPITAL GAINS AND LOSSES OF NONCORPORATE TAXPAYERS	14-19
Capital Gain and Loss Netting Process	14-19
Qualified Dividend Income	14-22
Alternative Tax on Net Capital Gain and Qualified Dividend Income	14-22

Concept Summary: <i>Income Layers for Alternative Tax on Capital Gain Computation</i>	14-24	Timing of § 1231 Gain	14-48
Treatment of Net Capital Losses	14-26	Timing of Recapture	14-49
Concept Summary: <i>Final Results of the Capital Gain and Loss Netting Process and How They Are Taxed</i>	14-27	Postponing and Shifting Recapture	14-49
		Avoiding Recapture	14-50
		Refocus on the Big Picture: <i>Managing Capital Asset Transactions</i>	14-50
TAX TREATMENT OF CAPITAL GAINS AND LOSSES OF CORPORATE TAXPAYERS	14-27		
OVERVIEW OF § 1231 AND THE RECAPTURE PROVISIONS	14-28		
SECTION 1231 ASSETS	14-28		
Relationship to Capital Assets	14-28		
Property Included	14-29		
Property Excluded	14-30		
Section 1231 Assets Disposed of by Casualty or Theft	14-30		
Concept Summary: <i>Section 1231 Netting Procedure (Discussed in Section 14-8e)</i>	14-31		
General Procedure for § 1231 Computation	14-32		
SECTION 1245 RECAPTURE	14-35		
Section 1245 Property	14-37		
Observations on § 1245	14-38		
SECTION 1250 RECAPTURE	14-38		
Section 1250 Recapture Situations	14-39		
Concept Summary: <i>Comparison of § 1245 and § 1250 Depreciation Recapture</i>	14-39		
Unrecaptured § 1250 Gain (Real Estate 25% Gain)	14-39		
Ethics & Equity: <i>The Sale of a "Cost-Segregated" Building</i>	14-41		
CONSIDERATIONS COMMON TO §§ 1245 AND 1250	14-41		
Exceptions	14-41		
Global Tax Issues: <i>Depreciation Recapture in Other Countries</i>	14-42		
Other Applications	14-43		
Concept Summary: <i>Depreciation Recapture and § 1231 Netting Procedure</i>	14-44		
SPECIAL RECAPTURE PROVISIONS	14-44		
Special Recapture for Corporations	14-44		
Gain from Sale of Depreciable Property between Certain Related Parties	14-45		
Intangible Drilling Costs	14-45		
REPORTING PROCEDURES	14-45		
Ethics & Equity: <i>Incorrect Depreciation and Recognized Gain</i>	14-45		
TAX PLANNING	14-46		
Importance of Capital Asset Status	14-46		
Planning for Capital Asset Status	14-46		
Global Tax Issues: <i>Capital Gain Treatment in the United States and Other Countries</i>	14-47		
Effect of Capital Asset Status in Transactions Other Than Sales	14-47		
Stock Sales	14-48		
Maximizing Benefits	14-48		
Year-End Planning	14-48		
		Part 5: Special Tax Computations and Accounting Periods and Methods	
		CHAPTER 15	
		THE DEDUCTION FOR QUALIFIED BUSINESS INCOME FOR NONCORPORATE TAXPAYERS	15-1
		The Big Picture: <i>Entrepreneurial Pursuits</i>	15-1
		TAX TREATMENT OF VARIOUS BUSINESS FORMS	15-2
		Sole Proprietorships	15-2
		Partnerships	15-3
		Corporations	15-3
		Concept Summary: <i>Tax Treatment of Business Forms Compared</i>	15-6
		Global Tax Issues: <i>U.S. Corporate Taxes and International Business Competitiveness</i>	15-7
		Limited Liability Companies	15-7
		THE TAX CUTS AND JOBS ACT (TCJA) OF 2017 AND ENTITY TAX RATES	15-8
		Challenges of Lowering Tax Rates	15-8
		Lowering Tax Rates for Different Business Forms	15-9
		THE DEDUCTION FOR QUALIFIED BUSINESS INCOME	15-9
		General Rule	15-10
		The Overall Limitation: Modified Taxable Income	15-10
		Definition of Qualified Business Income	15-10
		Definition of a Qualified Trade or Business	15-11
		Limitations on the QBI Deduction	15-12
		Concept Summary: <i>An Overview of the 2020 Qualified Business Income Deduction</i>	15-13
		Limitation Based on Wages and Capital Investment	15-14
		Limitation for "Specified Services" Businesses	15-17
		Treatment of Losses	15-21
		Coordination with Other Rules	15-22
		Considerations for Partnerships and S Corporations	15-22
		Other Issues	15-22
		TAX PLANNING	15-23
		Corporate versus Noncorporate Forms of Business Organization	15-23
		Optimizing the Deduction for Qualified Business Income	15-24
		Refocus on the Big Picture: <i>Entrepreneurial Pursuits</i>	15-24

CHAPTER 16 ACCOUNTING PERIODS AND METHODS 16-1

The Big Picture: *Accounting Period and Method* 16-1

ACCOUNTING PERIODS 16-2

Specific Provisions for Partnerships, S Corporations, and
Personal Service Corporations 16-3

Ethics & Equity: *Who Benefits from the Change in Tax Year?* 16-5

Selecting the Tax Year 16-6

Changes in the Accounting Period 16-6

Taxable Periods of Less Than One Year 16-7

Mitigation of the Annual Accounting Period Concept 16-8

Ethics & Equity: *Special Tax Relief* 16-10

ACCOUNTING METHODS 16-10

Permissible Methods 16-10

Cash Receipts and Disbursements Method 16-11

Accrual Method 16-13

Concept Summary: *Accruals Under the Economic
Performance Test* 16-14

Financial Disclosure Insights: *Tax Deferrals from Reserves* 16-16

Hybrid Method 16-16

Change of Method 16-17

Ethics & Equity: *Change in Accounting Method* 16-19

SPECIAL ACCOUNTING METHODS 16-19

Installment Method 16-19

Concept Summary: *Interest on Installment Sales* 16-24

Long-Term Contracts 16-27

INVENTORIES 16-30

Determining Inventory Cost 16-31

Ethics & Equity: *Preserving the LIFO Reserve* 16-35

The LIFO Election 16-35

Special Inventory Methods Relating to Farming and Ranching 16-36

Inventory of Small Taxpayers 16-36

TAX PLANNING 16-37

Taxable Year 16-37

Cash Method of Accounting 16-37

Installment Method 16-37

Inventories 16-38

Refocus on the Big Picture: *Accounting Period and Method* 16-38

Specific Provisions Compared 17-3

Accounting Periods and Methods 17-4

Capital Gains and Losses 17-5

Recapture of Depreciation 17-6

Business Interest Expense Limitation 17-6

Passive Activity Losses 17-8

Concept Summary: *Special Rules Applicable to Personal
Service Corporations (PSCs)* 17-9

Charitable Contributions 17-9

Excessive Executive Compensation 17-11

Net Operating Losses 17-12

Deductions Available Only to Corporations 17-12

Ethics & Equity: *Pushing the Envelope on Year-End Planning* 17-15

Concept Summary: *Income Taxation of Individuals and
Corporations Compared* 17-17

DETERMINING THE CORPORATE INCOME TAX LIABILITY 17-18

Corporate Income Tax Rates 17-18

Alternative Minimum Tax 17-19

Restrictions on Corporate Accumulations 17-19

Consolidated Returns 17-20

Financial Disclosure Insights: *GAAP and Tax Treatment
of Consolidations* 17-22

PROCEDURAL MATTERS 17-23

Filing Requirements for Corporations 17-23

Estimated Tax Payments 17-24

Schedule M-1—Reconciliation of Income
(Loss) per Books with Income per Return 17-24

Schedule M-2—Analysis of Unappropriated Retained
Earnings per Books 17-25

Concept Summary: *Conceptual Diagram of Schedule M-1
(Form 1120)* 17-26

Schedule M-3—Net Income (Loss) Reconciliation
for Corporations with Total Assets of \$10 Million or
More 17-26

Income Taxes in the Financial Statements 17-28

TAX PLANNING 17-34

Corporate versus Noncorporate Forms of
Business Organization 17-34

Operating the Corporation 17-35

Refocus on the Big Picture: *Cooked to Perfection* 17-37

CHAPTER 18 CORPORATIONS: ORGANIZATION AND CAPITAL STRUCTURE 18-1

The Big Picture: *The Vehicle for Business Growth Is the
Corporate Form* 18-1

ORGANIZATION OF AND TRANSFERS TO CONTROLLED CORPORATIONS 18-2

Section 351 Rationale and General Rules 18-2

Global Tax Issues: *Tax Reform Adds a New Wrinkle to the
Choice of Organizational Form When Operating Overseas* 18-3

Concept Summary: *Shareholder Consequences: Taxable
Corporate Formation versus Tax-Deferred § 351 Transaction* 18-5

Part 6: Corporations

CHAPTER 17 CORPORATIONS: INTRODUCTION AND OPERATING RULES 17-1

The Big Picture: *A Half-Baked Idea?* 17-1

AN INTRODUCTION TO THE INCOME TAXATION OF CORPORATIONS 17-2

An Overview of Corporate versus Individual Income
Tax Treatment 17-2

Property Defined	18-5	STOCK REDEMPTIONS	19-21
Stock Transferred	18-6	Overview	19-21
Control of the Corporation	18-6	Global Tax Issues: Foreign Shareholders Prefer Sale or Exchange Treatment in Stock Redemptions	19-23
Assumption of Liabilities—§ 357	18-10	Historical Background	19-24
Basis Determination and Related Issues	18-12	Concept Summary: Summary of the Qualifying Stock Redemption Rules	19-24
Concept Summary: Tax Consequences of Liability Assumption	18-13	Stock Attribution Rules	19-25
Concept Summary: Tax Consequences to the Shareholders and Corporation: With and Without the Application of § 351 (Based on the Facts of Example 22)	18-15	Concept Summary: Tax Consequences of Stock Redemptions to Shareholders	19-26
CAPITAL STRUCTURE OF A CORPORATION	18-18	Not Essentially Equivalent Redemptions	19-26
Capital Contributions	18-18	Disproportionate Redemptions	19-27
Debt in the Capital Structure	18-18	Complete Termination Redemptions	19-28
		Redemptions to Pay Death Taxes	19-28
INVESTOR LOSSES	18-21	STOCK REDEMPTIONS—EFFECT ON THE CORPORATION	19-29
Stock and Security Losses	18-21	Recognition of Gain or Loss	19-29
Business versus Nonbusiness Bad Debts	18-21	Effect on Earnings and Profits	19-30
Ethics & Equity: Can a Loss Produce a Double Benefit?	18-21	Redemption Expenditures	19-30
Section 1244 Stock	18-23		
GAIN FROM QUALIFIED SMALL BUSINESS STOCK	18-24	OTHER CORPORATE DISTRIBUTIONS	19-30
		TAX PLANNING	19-30
TAX PLANNING	18-24	Corporate Distributions	19-30
Working with § 351	18-24	Concept Summary: Corporate Distributions	19-31
Selecting Assets to Transfer	18-26	Planning for Qualified Dividends	19-32
Debt in the Capital Structure	18-26	Constructive Dividends	19-33
Investor Losses	18-27	Stock Redemptions	19-33
Corporations versus Flow-Through Entities	18-28	Refocus on the Big Picture: Taxing Corporate Distributions	19-34
Refocus on the Big Picture: The Vehicle for Business Growth Is the Corporate Form	18-29		
CHAPTER 19		CHAPTER 20	
CORPORATIONS: DISTRIBUTIONS NOT IN COMPLETE LIQUIDATION	19-1	CORPORATIONS: DISTRIBUTIONS IN COMPLETE LIQUIDATION AND AN OVERVIEW OF REORGANIZATIONS	20-1
The Big Picture: Taxing Corporate Distributions	19-1	The Big Picture: The Options for Transitioning to Retirement	20-1
CORPORATE DISTRIBUTIONS—OVERVIEW	19-2	LIQUIDATIONS—IN GENERAL	20-2
EARNINGS AND PROFITS (E & P)	19-3	The Liquidation Process	20-2
Computation of E & P	19-3	Liquidating and Nonliquidating Distributions Compared	20-2
Summary of E & P Adjustments	19-6		
Concept Summary: E & P Adjustments	19-7	LIQUIDATIONS—EFFECT ON THE DISTRIBUTING CORPORATION	20-3
Current versus Accumulated E & P	19-8	The General Rule	20-3
Allocating E & P to Distributions	19-8	Antistuffing Rules	20-4
Concept Summary: Allocating E & P to Distributions	19-9	Concept Summary: Summary of Antistuffing Loss Disallowance Rules	20-8
Ethics & Equity: Shifting E & P	19-12		
DIVIDENDS	19-12	LIQUIDATIONS—EFFECT ON THE SHAREHOLDER	20-8
Rationale for Reduced Tax Rates on Dividends	19-12	Ethics & Equity: Transferee Liability for Tax Deficiency of Liquidated Corporation	20-9
Qualified Dividends	19-13		
Property Dividends	19-14	LIQUIDATIONS—PARENT-SUBSIDIARY SITUATIONS	20-9
Concept Summary: Noncash Property Distributions	19-16	Concept Summary: Summary of Liquidation Rules	20-10
Constructive Dividends	19-16	Minority Shareholder Interests	20-10
Stock Dividends and Stock Rights	19-19	Indebtedness of the Subsidiary to the Parent	20-11

Global Tax Issues: Basis Rules for Liquidations of Foreign Subsidiaries	20-11
Basis of Property Received by the Parent Corporation—The General Rule	20-12
Basis of Property Received by the Parent Corporation—§ 338 Election	20-12
CORPORATE REORGANIZATIONS	20-14
In General	20-15
Summary of the Different Types of Reorganizations	20-15
Summary of the Tax Consequences in a Tax-Free Reorganization	20-15
Financial Disclosure Insights: Acquisitions Can Have Negative Consequences	20-16
Concept Summary: Gain and Basis Rules for Nontaxable Exchanges	20-16
Concept Summary: Basis to Acquiring Corporation of Property Received	20-18
TAX PLANNING	20-19
Effect of a Liquidating Distribution on the Corporation	20-19
Effect of a Liquidating Distribution on the Shareholder	20-19
Parent-Subsidiary Liquidations	20-20
Asset Purchase versus Stock Purchase	20-20
Refocus on the Big Picture: The Transition to Retirement Is Subject to Double Taxation	20-21

Part 7: Flow-Through Entities

CHAPTER 21	
PARTNERSHIPS	21-1
The Big Picture: Why Use a Partnership, Anyway?	21-1
OVERVIEW OF PARTNERSHIP TAXATION	21-2
What Is a Partnership?	21-2
Concept Summary: Comparison of Partnership Types	21-3
Key Concepts in Taxation of Partnership Income	21-4
FORMATION OF A PARTNERSHIP: TAX EFFECTS	21-6
Contributions to the Partnership	21-6
Exceptions to the General Rule of § 721	21-7
Other Issues Related to Contributed Property	21-9
Concept Summary: Partnership Formation and Initial Basis Computations	21-11
Tax Accounting Elections	21-11
Initial Costs of a Partnership	21-12
Method of Accounting	21-12
Taxable Year of the Partnership	21-13
PARTNERSHIP OPERATIONS AND REPORTING	21-15
Partnership Reporting, In General	21-15
Measuring Partnership Income	21-16
Form 1065 Example	21-18
Financial Disclosure Insights: Financial Reporting for Partnerships	21-24

PARTNER CALCULATIONS AND REPORTING	21-24
Partner Reporting of Partnership Income	21-24
Partner Allocations	21-26
Schedule K-1 Example	21-28
Concept Summary: Tax Reporting of Partnership Items	21-30
Partner's Basis	21-31
Effect of Partnership Liabilities on Partner's Basis	21-31
Partner's Capital Account	21-35
Loss Limitations	21-36
Global Tax Issues: Withholding Requirements for non-U.S. Partners	21-38
OTHER TAXES ON PARTNERSHIP INCOME	21-38
Self-Employment Tax	21-38
Net Investment Income Tax	21-39
DISTRIBUTIONS FROM THE PARTNERSHIP	21-40
Distributions in General	21-40
Proportionate Current Distributions	21-41
Proportionate Liquidating Distributions	21-43
Concept Summary: Proportionate Current Distributions (General Rules)	21-44
SALE OF A PARTNERSHIP INTEREST	21-46
General Rules	21-46
Hot Assets and Carried Interests	21-48
LIMITED LIABILITY ENTITIES	21-49
Limited Liability Companies	21-49
Limited Liability Partnerships	21-49
TAX PLANNING	21-50
Choosing Partnership Taxation	21-50
Concept Summary: Major Advantages and Disadvantages of the Partnership Form	21-51
Formation and Operation of a Partnership	21-51
Basis Considerations and Loss Deduction Limitations	21-51
Transactions between Partners and Partnerships	21-51
Drafting the Partnership Agreement	21-52
Refocus on the Big Picture: Why Use a Partnership, Anyway?	21-52
CHAPTER 22	
S CORPORATIONS	22-1
The Big Picture: Deductibility of Losses and the Choice of Business Entity	22-1
CHOICE OF BUSINESS ENTITY	22-2
An Overview of S Corporations	22-2
QUALIFYING FOR S CORPORATION STATUS	22-3
Definition of a Small Business Corporation	22-3
Making the Election	22-5
Shareholder Consent	22-6
Loss of the Election	22-7

OPERATIONAL RULES	22-9	UNRELATED BUSINESS INCOME TAX	23-12
Computation of Taxable Income	22-9	Unrelated Trade or Business	23-13
Qualified Business Income Deduction	22-12	Unrelated Business Taxable Income	23-16
Allocation of Income and Loss	22-12	Concept Summary: Unrelated Business Income Tax	23-18
Tax Treatment of Distributions to Shareholders	22-13		
Concept Summary: Classification Procedures for Distributions from an S Corporation	22-14	REPORTING REQUIREMENTS	23-19
Tax Treatment of Noncash Property Distributions by the Corporation	22-18	Obtaining Exempt Organization Status	23-19
Concept Summary: Consequences of Noncash Distributions	22-18	Annual Filing Requirements	23-19
Shareholder's Basis in S Stock	22-19	Disclosure Requirements	23-21
Treatment of Losses	22-21		
Tax on Pre-Election Built-In Gain	22-23	TAX PLANNING	23-21
LIFO Recapture Tax	22-24	General Considerations	23-21
Passive Investment Income Penalty Tax	22-24	Maintaining Exempt Status	23-21
Other Operational Rules	22-25	Private Foundation Status	23-22
		Unrelated Business Income Tax	23-22
		Refocus on the Big Picture: Effect of a For-Profit Business on a Tax-Exempt Entity	23-23
TAX PLANNING	22-26		
When the Election Is Advisable	22-26	CHAPTER 24	
Concept Summary: Making an S Election	22-26	MULTISTATE CORPORATE TAXATION	24-1
Making a Proper Election	22-26	The Big Picture: Making a Multistate Location Decision	24-1
Operation of the S Corporation	22-27		
		CORPORATE STATE INCOME TAXATION	24-2
OVERALL COMPARISON OF FORMS OF DOING BUSINESS	22-28	Computing State Income Tax	24-3
Concept Summary: Tax Attributes of Different Forms of Business (Assume That Partners and Shareholders Are All Individuals)	22-29	State Modifications	24-3
Refocus on the Big Picture: Deductibility of Losses and the Choice of Business Entity	22-33	The UDITPA and the Multistate Tax Commission	24-6
		Jurisdiction to Impose Tax: Nexus and Public Law 86-272	24-6
		Nexus in Today's Economy	24-6
		Concept Summary: Multistate Taxation	24-8
		APPORTIONMENT AND ALLOCATION OF INCOME	24-8
		The Apportionment Procedure	24-9
		Apportionable Income	24-9
		Apportionment Factors: Elements and Planning	24-11
		Concept Summary: Apportionable Income	24-12
		The Sales Factor	24-13
		The Payroll Factor	24-14
		The Property Factor	24-16
		Financial Disclosure Insights: State/Local Taxes and the Tax Expense	24-17
		THE UNITARY THEORY	24-18
		What Is a Unitary Business?	24-19
		Tax Effects of the Unitary Theory	24-19
		Consolidated and Combined Returns	24-21
		Global Tax Issues: Water's Edge Is Not a Day at the Beach	24-21
		Concept Summary: Using Apportionment Formulas	24-22
		TAXATION OF S CORPORATIONS	24-22
		Eligibility	24-22
		State Tax Filing Requirements	24-22
		TAXATION OF PARTNERSHIPS AND LLCs	24-23
		OTHER STATE AND LOCAL TAXES	24-23
		State and Local Sales and Use Taxes	24-23

Part 8: Advanced Tax Practice Considerations

CHAPTER 23 EXEMPT ENTITIES

23-1

The Big Picture: Effect of a For-Profit Business on a Tax-Exempt Entity

23-1

TYPES OF EXEMPT ORGANIZATIONS

23-3

CHARACTERISTICS OF EXEMPT ENTITIES

23-3

Serving the Common Good

23-3

Not-for-Profit Entity

23-3

Net Earnings and Members of the Organization

23-3

Concept Summary: Consequences of Exempt Status

23-5

TAXES ON EXEMPT ENTITIES

23-5

Taxable Transactions

23-5

Feeder Organizations

23-8

PRIVATE FOUNDATIONS

23-8

Tax Consequences of Private Foundation Status

23-8

Concept Summary: Exempt Organizations: Classification

23-10

Taxes Imposed on Private Foundations

23-11

Local Property Taxes	24-25	TAX PLANNING	25-29
Other Taxes	24-26	The Foreign Tax Credit Limitation and Sourcing Provisions	25-30
Ethics & Equity: <i>Encouraging Economic Development through Tax Concessions</i>	24-27	Transfer Pricing	25-30
		Refocus on the Big Picture: <i>Going International</i>	25-31
TAX PLANNING	24-28	CHAPTER 26	
Selecting the Optimal State in Which to Operate	24-28	TAX PRACTICE AND ETHICS	26-1
Restructuring Corporate Entities	24-29	The Big Picture: <i>A Tax Adviser's Dilemma</i>	26-1
Subjecting the Corporation's Income to Apportionment	24-31	TAX ADMINISTRATION	26-2
Ethics & Equity: <i>Can You Be a Nowhere Adviser?</i>	24-32	Organizational Structure of the IRS	26-3
Planning with Apportionment Factors	24-32	IRS Procedure—Letter Rulings	26-4
Sales/Use Tax Compliance	24-33	IRS Procedure—Other Issuances	26-4
Capital Stock Taxation	24-33	Ethics & Equity: <i>Tax Compliance Costs</i>	26-5
Refocus on the Big Picture: <i>Making a Multistate Location Decision</i>	24-33	Administrative Powers of the IRS	26-5
		The Audit Process	26-6
		Ethics & Equity: <i>Can the IRS Pretend to Be Your Friend?</i>	26-7
		The Taxpayer Appeal Process	26-9
		Offers in Compromise and Closing Agreements	26-10
		Ethics & Equity: <i>Our Taxing System of Self-Assessment</i>	26-11
		Interest	26-12
		Concept Summary: <i>Working with the IRS</i>	26-13
		Taxpayer Penalties	26-13
		Ethics & Equity: <i>First-Time Tax Violators Can Get Off with Just a Warning</i>	26-18
		Statute of Limitations	26-21
CHAPTER 25		THE TAX PROFESSION AND TAX ETHICS	26-22
TAXATION OF INTERNATIONAL TRANSACTIONS	25-1	The Tax Professional	26-22
The Big Picture: <i>Going International</i>	25-1	Regulating Tax Preparers	26-23
OVERVIEW OF INTERNATIONAL TAXATION	25-3	IRS Rules Governing Tax Practice	26-23
Global Tax Issues: <i>Tax Reform Can Make Strange Bedfellows</i>	25-4	Preparer Penalties	26-24
		Privileged Communications	26-26
TAX TREATIES	25-5	AICPA Statements on Standards for Tax Services	26-27
		Concept Summary: <i>Tax Profession and Ethics</i>	26-30
SOURCING OF INCOME AND DEDUCTIONS	25-6	TAX PLANNING	26-30
Income Sourcing Rules	25-6	Strategies in Seeking a Letter Ruling	26-30
Allocation and Apportionment of Deductions	25-9	Considerations in Handling an IRS Audit	26-30
Concept Summary: <i>The Sourcing Rules</i>	25-10	Statute of Limitations	26-31
Transfer Pricing	25-10	Litigation Considerations	26-32
Ethics & Equity: <i>The Costs of Good Tax Planning</i>	25-11	Penalties	26-32
		Privileged Communications	26-33
FOREIGN CURRENCY GAIN/LOSS	25-14	Refocus on the Big Picture: <i>A Tax Adviser's Dilemma</i>	26-33
U.S. PERSONS WITH OFFSHORE INCOME	25-15	Part 9: Family Tax Planning	
Export Property, Licenses, Foreign Branches	25-15		
Financial Disclosure Insights: <i>Overseas Operations and Book-Tax Differences</i>	25-17	CHAPTER 27	
Concept Summary: <i>The Foreign Tax Credit</i>	25-17	THE FEDERAL GIFT AND ESTATE TAXES	27-1
Creating a Cross-Border Business Entity	25-18	The Big Picture: <i>An Eventful and Final Year</i>	27-1
Tax Havens	25-19		
Offshore (Foreign) Corporations Controlled by U.S. Persons	25-20	TRANSFER TAXES—IN GENERAL	27-2
Concept Summary: <i>Subpart F Income and a CFC</i>	25-22	Nature of the Taxes	27-2
Movement Toward a Territorial System	25-23	Global Tax Issues: <i>U.S. Transfer Taxes and NRAs</i>	27-3
Concept Summary: <i>Income of a CFC That Is Included in Gross Income of a U.S. Shareholder, Selected</i>	25-24		
U.S. TAXATION OF NONRESIDENT ALIENS AND FOREIGN CORPORATIONS	25-26		
Nonresident Alien Individuals	25-26		
Foreign Corporations	25-28		
Foreign Investment in Real Property Tax Act	25-28		
Expatriation to Avoid U.S. Taxation	25-28		

Concept Summary: <i>Gift Tax Formula</i>	27-3	Deductions for Losses	28-15
Concept Summary: <i>Estate Tax Formula</i>	27-4	Charitable Contributions	28-15
Valuation for Federal Transfer Tax Purposes	27-5	Deduction for Distributions to Beneficiaries	28-16
Key Property Concepts	27-6	Concept Summary: <i>Uses of the DNI Amount</i>	28-17
		Tax Credits	28-19
		Concept Summary: <i>Principles of Fiduciary Income Taxation</i>	28-20
THE FEDERAL GIFT TAX	27-7		
General Considerations	27-7	TAXATION OF BENEFICIARIES	28-20
Ethics & Equity: <i>It's the Thought That Counts</i>	27-7	Distributions by Simple Trusts	28-20
Transfers Subject to the Gift Tax	27-9	Distributions by Estates and Complex Trusts	28-20
Annual Gift Tax Exclusion	27-10	Character of Income	28-22
Deductions	27-11		
Computing the Federal Gift Tax	27-11	PROCEDURAL MATTERS	28-23
Procedural Matters	27-12		
Concept Summary: <i>Federal Gift Tax Provisions</i>	27-13	TAX PLANNING	28-24
		A Trust or an Estate as an Income-Shifting Device	28-24
THE FEDERAL ESTATE TAX	27-13	Income Tax Planning for Estates	28-24
Gross Estate	27-13	Distributions of In-Kind Property	28-25
Concept Summary: <i>Federal Estate Tax Provisions—Gross Estate</i>	27-18	Ethics & Equity: <i>Who Should Be a Trustee?</i>	28-26
Taxable Estate	27-19	Additional Taxes on Capital Gains and Net Investment Income	28-26
Estate Tax Credits	27-22	Refocus on the Big Picture: <i>Setting Up a Trust to Protect a Family</i>	28-27
Global Tax Issues: <i>Treaty Relief Is Not Abundant!</i>	27-23		
Procedural Matters	27-23		
Concept Summary: <i>Federal Estate Tax Provisions—Taxable Estate and Procedural Matters</i>	27-24		
		APPENDICES	
THE GENERATION-SKIPPING TRANSFER TAX	27-24	TAX RATE SCHEDULES AND TABLES	A-1
Inter-Generational Transfers	27-24	TAX FORMS	B-1
The Tax on Generation-Skipping Transfers	27-24	GLOSSARY	C-1
		TABLE OF CODE SECTIONS CITED	D-1
TAX PLANNING	27-25	TABLE OF REGULATIONS CITED	D-13
The Federal Gift Tax	27-25	TABLE OF REVENUE PROCEDURES AND REVENUE RULINGS CITED	D-17
The Federal Estate Tax	27-26	PRACTICE SET ASSIGNMENTS—COMPREHENSIVE TAX RETURN PROBLEMS	E-1
Refocus on the Big Picture: <i>An Eventful and Final Year</i>	27-28	TAX FORMULAS	F-1
		PRESENT VALUE AND FUTURE VALUE TABLES	G-1
CHAPTER 28		INDEX	I-1
INCOME TAXATION OF TRUSTS AND ESTATES	28-1		
The Big Picture: <i>Setting Up a Trust to Protect a Family</i>	28-1	Online Appendices	
		DEPRECIATION AND THE ACCELERATED COST RECOVERY SYSTEM (ACRS)	
AN OVERVIEW OF FIDUCIARY TAXATION	28-2	AFFORDABLE CARE ACT PROVISIONS	
What Is a Trust?	28-2		
What Is an Estate?	28-5		
NATURE OF TRUST AND ESTATE TAXATION	28-5		
Concept Summary: <i>Tax Characteristics of Major Pass-Through Entities</i>	28-6		
Tax Accounting Periods and Methods	28-6		
Tax Rates and Personal Exemption	28-6		
Alternative Minimum Tax	28-7		
Additional Tax on Net Investment Income	28-8		
TAXABLE INCOME OF TRUSTS AND ESTATES	28-8		
Entity Accounting Income	28-8		
Gross Income	28-11		
Ethics & Equity: <i>To Whom Can I Trust My Pet?</i>	28-13		
Ordinary Deductions	28-13		



PART 1

INTRODUCTION AND BASIC TAX MODEL

CHAPTER 1

An Introduction to Taxation and Understanding the Federal Tax Law

CHAPTER 2

Working with the Tax Law

CHAPTER 3

Computing the Tax

Part 1 provides an introduction to taxation in the United States. Although this text focuses on income taxation, other types of taxes also are briefly discussed. The purposes of the Federal tax law are examined, and the legislative, administrative, and judicial sources of Federal tax law, including their application to the tax research process, are analyzed. Part 1 concludes by introducing the basic tax model for the individual taxpayer and providing an overview of property transactions.

An Introduction to Taxation and Understanding the Federal Tax Law

LEARNING OBJECTIVES: After completing Chapter 1, you should be able to:

- | | |
|---|--|
| <p>LO.1 Explain the importance of taxation and apply methods for studying this topic.</p> <p>LO.2 Describe some of the history and trends of the Federal income tax.</p> <p>LO.3 Describe and apply principles and terminology relevant to the design of a tax system.</p> <p>LO.4 Identify the different taxes imposed in the United States at the Federal, state, and local levels.</p> | <p>LO.5 Explain the administration of the tax law, including the audit process utilized by the IRS.</p> <p>LO.6 Evaluate some of the ethical guidelines involved in tax practice.</p> <p>LO.7 Classify tax rules based on their possible economic, social, equity, and political reasons for inclusion in a particular tax system.</p> <p>LO.8 Explain the role played by the IRS and the courts in the evolution of the Federal tax system.</p> |
|---|--|

CHAPTER OUTLINE

1-1 Approaching the Study of Taxation, 1-2

- 1-1a What Is Taxation? 1-2
- 1-1b Taxation in Our Lives, 1-2
- 1-1c The Relevance of Taxation to Accounting and Finance Professionals, 1-3
- 1-1d How to Study Taxation, 1-4

1-2 A Brief History of U.S. Taxation, 1-4

- 1-2a Early Periods, 1-4
- 1-2b Revenue Acts, 1-5
- 1-2c Trends, 1-6

1-3 Tax System Design, 1-6

- 1-3a Legal Foundation, 1-6
- 1-3b The Basic Tax Formula, 1-7
- 1-3c Tax Principles, 1-8

1-4 Major Types of Taxes, 1-8

- 1-4a Property Taxes, 1-10
- 1-4b Transaction Taxes, 1-11
- 1-4c Taxes on Transfers at Death, 1-13
- 1-4d Gift Taxes, 1-14

1-4e Income Taxes, 1-15

1-4f Employment Taxes, 1-17

1-4g Other U.S. Taxes, 1-18

1-4h Proposed U.S. Taxes, 1-20

1-5 Tax Administration, 1-21

- 1-5a Internal Revenue Service, 1-21
- 1-5b The Audit Process, 1-21
- 1-5c Statute of Limitations, 1-24
- 1-5d Interest and Penalties, 1-24
- 1-5e Tax Practice, 1-25

1-6 Understanding the Federal Tax Law, 1-27

- 1-6a Revenue Needs, 1-27
- 1-6b Economic Considerations, 1-27
- 1-6c Social Considerations, 1-28
- 1-6d Equity Considerations, 1-29
- 1-6e Political Considerations, 1-31
- 1-6f Influence of the Internal Revenue Service, 1-32
- 1-6g Influence of the Courts, 1-33
- 1-6h Summary, 1-34



THE BIG PICTURE

FAMILY AND TAXES—A TYPICAL YEAR

Travis and Amy Carter are married and live in a state that imposes both a sales tax and an income tax. They have two children, April (age 17) and Martin (age 18). Travis is a mining engineer who specializes in land reclamation. After several years with a mining corporation, Travis established a consulting practice that involves a considerable amount of travel due to work he performs in other states. Amy is a registered nurse who, until recently, was a homemaker. In November of this year, she decided to reenter the job market and accepted a position with a medical clinic. The Carters live only a few blocks from Ernest and Mary Walker, Amy Carter's parents. The Walkers are retired and live on interest, dividends, and Social Security benefits.

Activities during the year with possible tax ramifications are summarized below.

- The ad valorem property taxes on the Carters' residence are increased, whereas those on the Walkers' residence are lowered.
- When Travis registers an automobile purchased last year in another state, he is required to pay a sales tax to his home state.
- As an anniversary present, the Carters gave the Walkers a recreational vehicle (RV).
- Travis employs his children to draft blueprints and prepare scale models for use in his work. Both April and Martin have had training in drafting and topography.
- Early in the year, the Carters are audited by the state on an income tax return filed a few years ago. Later in the year, they are audited by the IRS on a Form 1040 they filed for the same year. In each case, a tax deficiency and interest were assessed.
- The Walkers are audited by the IRS. Unlike the Carters, they did not have to deal with an agent, but settled the matter by mail.

Explain these developments, and resolve the issues raised.

Read the chapter and formulate your response.

This chapter provides an overview of the Federal tax system. Among the topics discussed:

- The importance and relevance of taxation and how to study taxation.
- A brief history of the Federal income tax.
- The types of taxes imposed at the Federal, state, and local levels.
- Some highlights of tax law administration.
- Tax concepts that help explain the reasons for various tax provisions.
- The influence the Internal Revenue Service (IRS) and the courts have had in the evolution of current tax law.

LO.1

Explain the importance of taxation and apply methods for studying this topic.

1-1 APPROACHING THE STUDY OF TAXATION

1-1a What Is Taxation?

“Taxes are what we pay for civilized society.”

This is a famous quote from U.S. Supreme Court Justice Oliver Wendell Holmes, Jr. (1841 to 1935).¹ It is engraved on the government building at 1111 Constitution Avenue in Washington, D.C.—headquarters of the Internal Revenue Service (IRS). This quote eloquently sums up the primary purpose of taxation—to raise revenue for government operations. Governments at all levels—national, state, and local—require funds for defense, protection (police and fire), education, roads, the court system, social services, and more. Various types of taxes provide the resources to pay for government services.

In addition, taxation is often used as a tool to influence the behavior of individuals and businesses. For example, an income tax credit (which reduces a taxpayer's tax bill) may be designed to *encourage* people to purchase a fuel-efficient car. A tobacco excise tax may *discourage* individuals from smoking by increasing the cost of tobacco products. The tax system can also be used to provide direct benefits to taxpayers, such as to help pay for health insurance.

1-1b Taxation in Our Lives

“Nothing is certain, except death and taxes.”

Most people attribute this quote to Benjamin Franklin (1706 to 1790). Taxes permeate our society. Various types of taxes, such as income, sales, property, and excise taxes (discussed in text Section 1-4), come into play in many of the activities of individuals, businesses, nonprofit entities (e.g., charitable organizations), and even governments.

Most directly, individuals are affected by taxes by paying them. Taxes may be paid directly or indirectly. A direct tax is paid to the government by the person who pays the tax. Examples include the personal income tax, which is paid by filing a personal income tax return (Form 1040 at the Federal level), and property taxes on one's home (paid to the local government). Individuals also pay many taxes indirectly. For example, most states impose sales tax on the purchase of tangible goods such as clothes. While this tax is collected and remitted to the government by the seller, the buyer is charged the tax along with the purchase price of the goods or services. Taxes also can be imposed indirectly when embedded in the prices charged by the seller. For example, when you buy gasoline for your car, the price you pay likely includes some of the income taxes and the gasoline excise taxes owed by the oil company.

Ultimately, all taxes are paid by individuals. The corporate income tax, for example, is paid directly by the corporation but is really paid indirectly by individuals in their capacity as customers, investors (owners), or employees. Economists and others often study this topic to estimate the percentage of the corporate income tax borne by individuals in these different capacities. It is not easy to measure, but it is known that taxes are passed along to individuals through higher prices, lower dividends, and/or lower wages.

Taxes also affect the lives of individuals via the ballot box. Federal, state, and local elections often include initiatives that deal with taxation, such as whether state income taxes should be raised (or lowered), whether a new tax should be imposed on soda,

¹*Compania General De Tabacos De Filipinas v. Collector of Internal Revenue*, 275 U.S. 87, 100 (1927), dissenting opinion.

or whether the sales tax rate should be changed. Candidates running for office often have positions on tax changes they would like to make if elected.

Given the pervasiveness of taxation—in our roles as both direct and indirect payers of taxes as well as citizens/voters—it is important that we understand how the tax system operates.

1-1c The Relevance of Taxation to Accounting and Finance Professionals

The U.S. corporate income tax rate is 21 percent. State income taxes can easily constitute, on average, an additional 5 percent. So a large corporation such as a Fortune 500 company may have to devote 26 percent or more of its net income to pay income taxes. In addition, businesses are subject to employment taxes, property taxes, sales taxes, and various excise taxes. Corporations with international operations are subject to taxation in other countries. Small businesses are also subject to a variety of taxes that affect profits and cash flows.

Given its significance, taxation is a crucial topic for accounting and finance professionals. They must understand the various types of business taxes to assist effectively with the following:

- *Compliance:* Ensure that the business files all tax returns and makes all tax payments on time. Mistakes and missed due dates will lead to penalties and interest expense.
- *Planning:* Help a business apply favorable tax rules, such as income deferral and tax credits, to minimize tax liability (and maximize owner wealth). The time value of money concept is also important here, as is coordinating tax planning with other business goals to maximize earnings per share.
- *Financial reporting:* Financial statements include a variety of tax information, including income tax expense on the income statement and deferred tax assets and liabilities on the balance sheet. Footnotes to the financial statements report various tax details including the company's effective tax rate. Computation and proper reporting of this information require knowledge of both tax and financial reporting rules [including the Financial Accounting Standards Board's Accounting Standards Codification (ASC) 740, *Income Taxes*].
- *Controversy:* This term refers to interaction a taxpayer may have with a tax agency such as the IRS. The IRS and state and local tax agencies regularly audit tax returns that have been filed to verify that taxes were properly computed and paid.
- *Cash management:* Taxes must be paid on time to avoid penalties and interest. Income and self-employment taxes must be estimated and paid quarterly and reconciled on the annual return. Other taxes may be due weekly, monthly, or semiannually. Businesses must be sure they have the funds ready when the taxes are due and have procedures to track due dates.
- *Data analysis:* With a majority, if not all, of a company's records maintained in digital form, there are opportunities to use this information to enhance profits, better understand the customer base, and improve and understand the information from a tax perspective. Tax practitioners often need skills in data analysis and visualization to identify samples for both internal and external audits, find ways to identify the products and services subject to sales tax in different states, and extract tax data to help inform other business functions such as where to locate a new sales office.

These tasks are also relevant to professionals such as CPAs who advise business and individual clients.

The level and depth of tax knowledge needed for any accounting or tax professional depends on his or her specific job. The vice president of tax for a company clearly needs thorough knowledge in all areas of taxation; the same is true of a partner in a CPA firm. In contrast, the corporate treasurer likely focuses more on cash management, while working closely with the company's tax advisers.

Ultimately, much of taxation is transaction-based. How a transaction is structured (e.g., as a sale or a lease) has varying tax consequences that must be considered. Even the purchase of a home can result in significant change—the new mortgage interest and property tax deductions may mean that an individual itemizes her deductions (using Schedule A of Form 1040) rather than using the standard deduction. And life events such as marriage (and divorce) will change an individual's tax situation. Similar “life events” can also affect a corporation (e.g., acquiring a different corporation or spinning off a subsidiary).

It is essential in working with taxation to maintain a balanced perspective. A corporation that is deciding where to locate a new factory does not automatically select the city or state that offers the most generous tax benefits. Nor does the person who is retiring to a warmer climate pick Belize over Arizona because the former has no income tax but the latter does. Tax considerations should not control decisions, but they remain one of many factors to be considered (and often one of the most significant).

1-1d How to Study Taxation

The goal of studying taxation is to be able to recognize issues (or transactions) that have tax implications and, when possible, try to understand the justification for them. Suppose, for example, that you come upon a situation that involves a discharge of indebtedness. If you know that forgiveness of debt results in income but there are exceptions to this rule, the battle is won! The issue has been identified, and the outcome (i.e., when an exception applies) can be resolved through research. A variety of commercial and free tools and resources are available to help you research and reach a conclusion.

You may have heard that tax is a difficult subject because of the many rules, exceptions, and definitions. You even may have heard that taxation is boring. Taxation is a challenging topic, but it is certainly not boring. Taxation is an important and exciting topic due to constant change by the three branches of our Federal government (as well as changes by state and local governments), the significance of taxes to the bottom line of a company and an individual's finances, and the impact on our economy and society.

Tax professionals tend to find enjoyment in their chosen field due to the intellectual challenge of dealing with tax rules for compliance and planning purposes, the opportunity to interact with colleagues or clients to help them understand the effect of taxes, and the knowledge that their work affects the financial well-being of individuals and businesses.

In studying taxation, focus on understanding the rules and the why(s) behind them (rather than memorizing the many isolated or disconnected rules and terms). The rules become more meaningful by thinking about why they exist for the particular type of tax. For example, why does the Federal income tax allow for a casualty loss deduction in certain situations? Why is tax depreciation different from that used for financial reporting? Also consider how the rules apply to different types of taxpayers (like employees, sole proprietors, corporations, investors, children, and retirees). Also think about how the rules apply to taxpayers of varying income levels and sophistication of transactions (a homeowner versus someone who owns assets in several countries). Aiming for understanding rather than memorization will make your journey into the world of taxation interesting and meaningful and will prepare you well for dealing with taxation in your accounting or finance career.

For tax professionals, the study of taxation is an ongoing and intriguing process. When Congress changes the tax law, tax professionals must review the new rules in order to understand how they affect clients or their employer. In addition, decisions rendered by the courts in tax disputes and guidance issued by the Treasury Department and Internal Revenue Service must be understood to ensure correct compliance with the law as well as identification of updated and proper tax planning ideas.

Concept Summary 1.1 illustrates the various ways that individuals deal with, and are affected by, taxes.

LO.2

Describe some of the history and trends of the Federal income tax.

1-2 A BRIEF HISTORY OF U.S. TAXATION

1-2a Early Periods

An income tax was first enacted in 1634 by the English colonists in the Massachusetts Bay Colony, but the Federal government did not adopt an income tax until 1861. In fact, both the Federal Union and the Confederate States of America used the income tax to raise funds to finance the Civil War.

When the Civil War ended, the need for additional revenue disappeared and the income tax was repealed. Once again the Federal government was able to finance its operations almost exclusively from customs duties (tariffs).

When a new Federal income tax on individuals was enacted in 1894, its opponents were prepared to successfully challenge its constitutionality. In *Pollock v. Farmers' Loan*

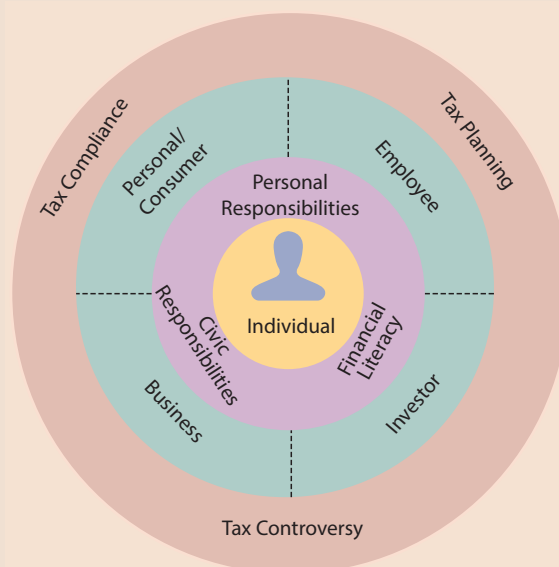


Concept Summary 1.1

Individuals and Taxes

The diagram to the right illustrates the many ways individuals interact with taxes. For example, as shown in the outer circle, individuals pay taxes and file tax returns (tax compliance). They also engage in tax planning as part of their desire to maximize after-tax wealth. If their tax return is audited or they do not pay their taxes, taxpayers will deal with the IRS or their state tax agency (tax controversy). Individuals deal with tax rules and planning in their roles as consumers, employees, investors, and business owners. Tax law is designed around these various taxpayer activities. Finally, as shown by the inner circle, individuals have a personal responsibility to comply with tax laws and pay any taxes due. Individuals also have a civic responsibility to understand taxes in their role as citizens and voters. And individuals need to understand how taxes affect their personal cash flows, consumption, and savings.

Use this diagram as you study the materials in this text, considering where in the circle various rules fit.



and *Trust Co.*, the U.S. Supreme Court found that taxes on the income of real and personal property were the legal equivalent of a tax on the property involved and, therefore, required apportionment based on the population of the United States, as required by Article I, Section 8 of the Constitution.²

A Federal corporate income tax, enacted by Congress in 1909, fared better in the judicial system. The U.S. Supreme Court found this tax to be constitutional because it was treated as an excise tax.³ In essence, it was a tax on the right to do business in the corporate form. So it was viewed as a form of the franchise tax.⁴ Since the corporate form of doing business had been developed in the late nineteenth century, it was unknown to the framers of the U.S. Constitution. Because a corporation is an entity created under law, jurisdictions possess the right to tax its creation and operation. Using this rationale, many states still impose franchise taxes on corporations.

The ratification of the Sixteenth Amendment to the U.S. Constitution in 1913 sanctioned both the Federal individual and corporate income taxes and, as a consequence, neutralized the continuing effect of the *Pollock* decision.

1-2b Revenue Acts

After the Sixteenth Amendment was ratified by the states, Congress enacted the Revenue Act of 1913. Under this Act, the first Form 1040 was due on March 1, 1914. The law allowed various deductions and personal exemptions of \$3,000 for a single individual and \$4,000 for married taxpayers. These large exemptions excluded all but the more wealthy taxpayers from the new income tax.⁵ Rates ranged from a low of 1 percent to a high of 6 percent. The 6 percent rate applied only to taxable income in excess of \$500,000!⁶

Various revenue acts were passed between 1913 and 1939. In 1939, all of these revenue laws were codified (arranged in a systematic manner) into the Internal Revenue Code of 1939. In 1954, a similar codification took place. The Internal Revenue Code of 1986, which largely carries over the provisions of the 1954 Code, is our current law. Tax law changes occur almost every year (how this happens is discussed in Chapter 2).

²3 AFTR 2602, 15 S.Ct. 912 (USSC, 1895). See Chapter 2 for an explanation of the citations of judicial decisions.

³*Flint v. Stone Tracy Co.*, 3 AFTR 2834, 31 S.Ct. 342 (USSC, 1911).

⁴See the discussion of state franchise taxes later in text Section 1-4g.

⁵A \$3,000 exemption in 1913 would be about \$79,000 today, while a \$4,000 exemption would be about \$105,000.

⁶This should be contrasted with the highest 2020 tax rate of 37%, which applies once taxable income exceeds \$518,400 for single taxpayers and \$622,050 for married taxpayers filing a joint return.

1-2c Trends

The income tax is a major source of revenue for the Federal government. Exhibit 1.1 shows the tax revenue sources⁷ and the importance of the income tax. Income tax collections from individuals and corporations amount to 59 percent of the total receipts. One revenue source missing from the Exhibit 1.1 pie chart is borrowing to cover the deficit, which in recent years has represented between 10 to 40 percent of total government revenues.

The need for revenues to finance the war effort during World War II converted the income tax from one that applied mostly to high-income individuals to a *mass tax*. In 1939, less than 6 percent of the U.S. population was subject to the Federal income tax. By 1945, more than 74 percent of the population was subject to the Federal income tax.⁸

Certain tax law changes are important to understand. In 1943, Congress passed the Current Tax Payment Act, which provided for a pay-as-you-go tax system. A pay-as-you-go income tax system requires employers to withhold a specified portion of an employee's wages and remit them to the government to cover the worker's income taxes. Persons with income from other than wages may have to make quarterly payments to the IRS for estimated taxes due for the year.

The increasing complexity of the Federal income tax laws causes concern among many, including lawmakers, taxpayers, and tax practitioners. Congress has added to this complexity by frequently changing the tax laws (e.g., by adding or deleting deductions or tax credits). This complexity forces many taxpayers to seek assistance in preparing their income tax returns. According to estimates, more than one-half of individual taxpayers who file a return pay a preparer and one-third purchase tax software.⁹

New ways of doing business and living often require changes to the tax law. For example, increased longevity requires a need for more revenues from Social Security taxes (and/or an increase in retirement age). Increased global business activity means modifying a country's tax system to be more in line with other countries to make sure businesses are not impeded when entering the global marketplace. Ideally, lawmakers should review tax systems periodically to ensure that they continue to be efficient in light of changes in how businesses and individuals function.

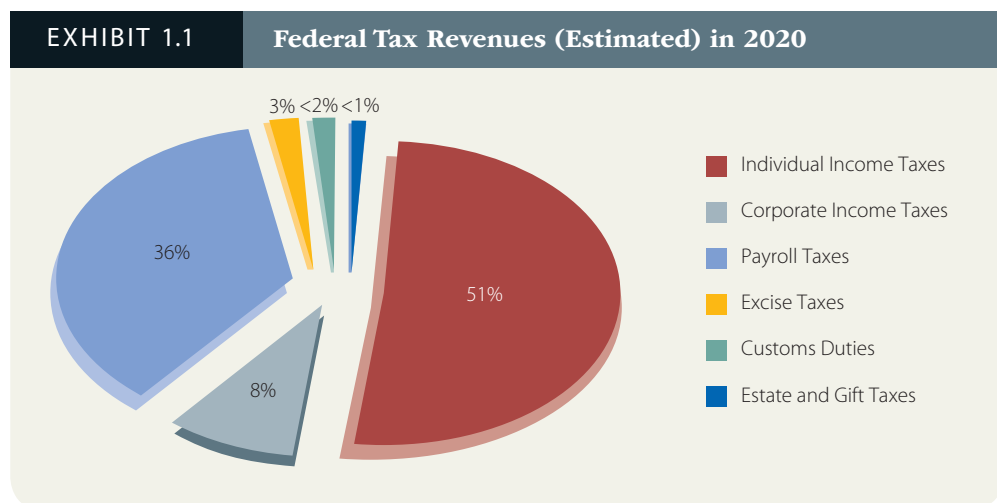
LO3

Describe and apply principles and terminology relevant to the design of a tax system.

1-3 TAX SYSTEM DESIGN

1-3a Legal Foundation

Article I, Section 8 of the U.S. Constitution states in part: "The Congress shall have power to lay and collect taxes." The Constitution also provided some limits on this taxing power, which led to the enactment of the Sixteenth Amendment to allow for an income



⁷Revenue data can be found at [cbo.gov](https://www.cbo.gov) and [whitehouse.gov/omb](https://www.whitehouse.gov/omb). The instruction booklet for Form 1040 includes a revenue pie chart that includes borrowing to cover the deficit, as well as a pie chart that shows government spending in broad categories.

⁸Richard Goode, *The Individual Income Tax* (Washington, D.C.: The Brookings Institution, 1964), pp. 2–4.

⁹The Tax Foundation estimates that individual taxpayers spend over \$20 billion and devote about 1.35 billion hours in preparing their tax returns.

tax (discussed in text Section 1-2a). This history lesson is important for a legislature or an electorate that wants to change a tax system. The jurisdiction's underlying governing documents (whether a country, state, or city) must be reviewed to determine whether they impose any restrictions relevant to taxation.

For example, the California Constitution (Article 13A) states that the maximum tax rate for real property taxation is 1 percent. The Florida Constitution (Section 5) specifies limits on the imposition of income taxes on natural persons. Also, state law may impose limitations on the types or amounts of taxes that cities and counties can impose.

Thus, the governing documents of a jurisdiction must be considered as part of any effort to modify that jurisdiction's tax system to make sure the change is permissible. If a change is not permissible but desired, then the governing document must be amended, as was done with the addition of the Sixteenth Amendment to the U.S. Constitution.

1-3b The Basic Tax Formula

The basic formula for any tax is:

$$\text{Tax base} \times \text{Tax rate} = \text{Tax liability}$$

Tax Base

A tax base is the amount to which the tax rate is applied. In the case of the Federal income tax, the tax base is *taxable income*. As noted later in the chapter (Exhibit 1.3), taxable income is gross income reduced by certain deductions (both business and personal).

Tax Rates

Tax rates are applied to the tax base to determine a taxpayer's liability. Some taxes, like the sales tax and the gasoline excise tax, apply a fixed tax rate to all transactions.

Kansas applies a sales tax rate of 6.5% to all taxable items. In contrast, Illinois applies a sales tax rate of 6.25% for most taxable items but applies a rate of 1% when the tax base consists of food or prescription drugs.

EXAMPLE

1

Alternatively, for some taxes, tax rates may vary depending on the details of the tax base. Income taxes tend to use a *progressive* tax rate structure where a higher rate of tax applies as the tax base increases.

Bill and Cora, a married couple filing jointly, have taxable income of \$15,000. Their Federal income tax rate for 2020 is 10%, which is the rate that applies to the first \$19,750 of taxable income for a married couple filing jointly.

If, however, their taxable income is \$85,000, their Federal income tax rates progress from 10% to 12% to 22% as their taxable income increases. In this case, their 2020 Federal income tax liability is \$10,280. The Federal income tax uses a *progressive* rate structure that applies higher rates to taxable income (the tax base) as that income increases (see Appendix A to confirm these calculations, and note how progressivity is built into the rate structure of the Federal income tax).

EXAMPLE

2

The basic tax formula (shown above) is relevant for both computing taxes and planning, as well as for reforming a tax system. For example, if a legislator wants to lower tax rates but generate the same amount of tax revenues, the tax base must be increased. However, if she wants to increase tax revenues, the tax base can be increased *or* tax rates can be increased (or both can be increased). Changes to the tax base will depend on how it is constructed. For example, the income tax base is taxable income (income minus income exclusions minus deductions). To increase this tax base, income exclusions could be eliminated or deductions could be limited. The details of the income tax base are discussed in later chapters. Tax system changes also involve canons (or principles) of taxation, discussed next.

1-3c Tax Principles

In the late 1700s, Adam Smith identified the following *canons (or principles) of taxation*, which are still considered today when evaluating a particular tax structure:¹⁰

- *Equity*. Each taxpayer enjoys fair or equitable treatment by paying taxes in proportion to his or her income level. Ability to pay a tax is one of the measures of how equitably a tax is distributed among taxpayers.
- *Certainty*. A tax should be certain rather than arbitrary. Taxpayers need to be able to understand how tax rules work so that they understand the effect of the rules on various transactions and can comply.
- *Convenience of payment*. Taxes should be imposed in a manner that involves a convenient time for payment. An advantage of the existing withholding system (pay-as-you-go) is its convenience for taxpayers.
- *Economy in collection*. A *good* tax system involves only nominal collection costs by the government and minimal compliance costs on the part of the taxpayer.

The American Institute of Certified Public Accountants (AICPA) has issued suggestions to guide tax reform and policy activities. Titled *Guiding Principles of Good Tax Policy: A Framework for Evaluating Tax Proposals*, the monograph identifies 12 principles that are commonly used as indicators of desirable tax policy. The first four principles are adapted from Adam Smith's *The Wealth of Nations*. The complete list follows:¹¹

1. *Equity and Fairness*. Similarly situated taxpayers should be taxed in a similar manner.
2. *Certainty*. Taxpayers should have certainty rather than ambiguity as to when and how a tax is paid as well as how to calculate it.
3. *Convenience of Payment*. A tax should be due at a time and manner that is most convenient for the taxpayer.
4. *Effective Tax Administration*. Tax compliance and administrative costs should be kept to a minimum.
5. *Information Security*. Taxpayer information must be protected from improper disclosure.
6. *Simplicity*. Tax rules should be simple so that taxpayers understand them and can follow them in a cost-efficient manner.
7. *Neutrality*. The effect of tax rules on taxpayer decision making should be kept to a minimum.
8. *Economic Growth and Efficiency*. The tax system should not harm economic growth or distort economic effects among different activities and investments.
9. *Transparency and Visibility*. Taxpayers should know that a tax exists and how and when it applies to them.
10. *Minimum Tax Gap*. A tax should be structured to minimize noncompliance.
11. *Accountability to Taxpayers*. Taxpayers should have access to information on taxes as well as proposed law changes and their rationale.
12. *Appropriate Government Revenues*. Tax rules should enable the government to predict the amount and timing of revenue production.

Exhibit 1.2 provides an application of these principles to a proposed tax law change.

LO.4

Identify the different taxes imposed in the United States at the Federal, state, and local levels.

1-4 MAJOR TYPES OF TAXES

Why does a text devoted primarily to the Federal income tax discuss state and local taxes? A simple illustration demonstrates the importance of non-Federal taxes.

¹⁰*The Wealth of Nations* (New York: Dutton, 1910), Book V, Chapter II, Part II.

¹¹AICPA, *Guiding Principles of Good Tax Policy: A Framework for Evaluating Tax Proposals*, 2017. Similarly, see GAO, *Understanding the Tax Reform* Copyright 2021 Cengage Learning. All Rights Reserved. May not be copied, scanned, or duplicated, in whole or in part. WCN 02-200-322

Debate: Background, Criteria, & Questions, 2005. As “long-standing criteria,” the GAO lists “equity; economic efficiency; and a combination of simplicity, transparency, and administrability.”