

UNIVERSITY OF BALTIMORE
TAX POLICY FALL 2015

Course: Tax Policy - TAXA/655/185
LAW/831/512
LAWT/954/491
ACCT/655/185

Instructors: Maurice B. Foley Judge, U.S. Tax Court (202) 521-0681 jfoley@ustaxcourt.gov	Steve Arkin Director, Washington National Tax Deloitte Tax LLP sarkin@deloitte.com
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Day/Time: Thursday / 6:15 – 9:00 p.m.
Rm. 402

Course Description:

Study of the evolution and structure of the federal income tax system from a public policy perspective with a focus on legal, economic, social, and practical considerations. Alternatives, including current legislative proposals, are considered. Students prepare a paper on a tax policy issue approved by the professor.

Course Materials:

Listed articles in the syllabus are on reserve in the course notebook located in the law library. Where items are available electronically, links have been provided.

Grades:

Students are required to write a 10 - 25 page paper (the length depending on whether or not a student elects to use this paper as their graduation writing requirement). Students will be graded by the following: 10% Presentation, 20% Class Participation, and 70% Paper.

Attendance:

Class attendance is a primary obligation of each J.D. student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A J.D. student who exceeds the maximum allowable absences may be compelled to withdraw from the course, or may be barred from sitting for the final exam. J.D. students who are forced to withdraw for exceeding the allowed absences should receive a grade of WA (withdrawal due to excessive absences), unless the faculty member believes that a grade of WF is warranted. In this course, J.D. students are allowed a maximum of two absences. Attendance will be taken at the beginning of each class.

While LL.M. and M.S. students should endeavor to attend each class, there is no attendance policy applying to these students.

Computers:

Students may use laptop computers for class related purposes.

Class Cancellation:

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web page or call the University's Snow Closing Line at (410) 837-4201. If the University is not closed, students should presume that classes are running on the normal schedule.

Academic Integrity:

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports.

Disability Policy:

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director for Student Support in the Office of Academic Affairs at 410-516-5623 or via email at lmetzger@ubalt.edu.

TAX POLICY SYLLABUS FALL 2015

Listed articles are on reserve in the course notebook. Where items are available electronically, links have been provided below.

August 20

No assignment

August 27

Philip Oliver, *Tax Policy: Readings and Materials*, (3d ed. 2010), Chapter 17: Taxes and the Legislative Process, pgs. 1153-1188. On Reserve.

Joint Committee on Taxation, *History and Role of the Joint Committee in the Legislative Process*, available at <http://www.jct.gov/about-us/role-of-jct.html>

George K. Yin, *The Role of Nonpartisan Staff in the Legislative Process*, May 14, 2013, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2261221

EITC memo to President Clinton available at

<https://docs.google.com/viewerng/viewer?url=http://clinton.presidentiallibraries.us/files/original/40cd36ffdfb325fa65a065d1f7083470.pdf>

September 3 and 10

Joint Committee on Taxation, *Estimates of Federal Tax Expenditures for Fiscal Years 2014-2018*, August 5, 2014, available at

<https://www.jct.gov/publications.html?func=startdown&id=4663>

Paul N. Van de Water and Chye-Ching Huang, *Budget and Tax Plans Should Not Rely on "Dynamic Scoring," Estimates Are Highly Uncertain and Subject to Manipulation*, Center on Budget and Policy Priorities, November 17, 2014, available at

<http://www.cbpp.org/files/10-18-11bud.pdf>

Philip Oliver, *Tax Policy: Readings and Materials*, (3d ed. 2010), Chapter 11: Tax Expenditures, pgs. 747-822. On Reserve.

September 17

Eric Kroh, *Refund Checks Replace RALs, Carry Similar Drawbacks*, Tax Analysts, July 23, 2012. (No link available. Article will be emailed)

Bruce D. Meyer, *The U.S. Earned Income Tax Credit, Its Effects, and Possible Reforms*, Harris School Working Paper Series 07.20, August 2007, pgs. 7-17, available at

http://harrisschool.uchicago.edu/sites/default/files/working-papers/wp_07_20.pdf

Robert Greenstein, John Wancheck, and Chuck Marr, *Reducing Overpayments in the Earned Income Tax Credit*, Center on Budget and Policy Priorities, April 7, 2014, available at http://www.cbpp.org/cms/index.cfm?fa=view&id=3960#_ftn1

Treasury Inspector General for Tax Administration, *Internal Revenue Service is not in Compliance with Executive Order 13520 to Reduce Improper Payments*, August 28, 2013, available at <http://www.treasury.gov/tigta/auditreports/2013reports/201340084fr.pdf>

Optional Reading:

Department of Treasury, *Compliance Estimates for Earned Income Tax Credit Claimed on 1999 Returns* (2002), February 28, 2002, available at <http://www.irs.gov/pub/irs-utl/compesteitc99.pdf>

September 24

U.S. Government Accountability Office, *Tax Policy: The Research Tax Credit's Design and Administration Can Be Improved*, GAO-10-136, November 6, 2009, available at <http://www.gao.gov/new.items/d10136.pdf>

Martin A. Sullivan, *Time to Scrap the Research Credit*, Tax Analysts, April 8, 2013, available at <http://www.taxanalysts.com/www/features.nsf/Articles/B4E4F1D6C2A8B58085257B470058A573?OpenDocument>

October 1

Randy Hardock – Tax policy and Obamacare. Analysis of pending tax legislation. **Reading to be announced.**

October 8

Joint Committee on Taxation, *Estimated Budget Effects of H.R. 1836 [1] as Passed by the Senate on May 23, 2001*, May 24, 2001, available at <http://www.jct.gov/x-48-01.pdf>

Joint Committee on Taxation, *Distribution of Certain Federal Tax Liabilities by Income Class for Calendar Year 2001*, February 27, 2001, available at <http://www.jct.gov/x-2-01.pdf>

October 15

Paul L. Caron and James R. Repetti, *Occupy the Tax Code: Using the Estate Tax to Reduce Inequality and Spur Economic Growth*, 40 Pepp. L. Rev. 1255 (2013), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2200270 (click download paper)

Chye-Ching Huang and Brandon DeBot, *Ten Facts You Should Know About the Federal Estate Tax*, March 23, 2015, available at <http://www.cbpp.org/sites/default/files/atoms/files/estatetaxmyths.pdf>

Benjamin Harris, Estate Taxes After ATRA, Tax Notes, February 25, 2013, available at <http://www.urban.org/UploadedPDF/1001660-TN-estate-taxes-after-ATRA.pdf> (click download PDF)

James Nunns and Jeffrey Rohaly, *Tax Provisions in the American Taxpayer Relief Act of 2012 (ATRA)*, Urban-Brookings Tax Policy Center, January 9, 2013, available at <http://www.urban.org/UploadedPDF/412730-Tax-Provisions-in-ATRA.pdf> (click download PDF)

October 22

Joint Committee on Taxation, *Incentives for Distressed Communities: Empowerment Zones and Renewal Communities*, October 5, 2009, available at http://www.jct.gov/publications.html?func=download&id=3587&chk=3587&no_html=1

U.S. Government Accountability Office, *Empowerment Zone and Enterprise Community Program: Improvements Occurred in Communities, but the Effect of the Program Is Unclear*, September 2006, available at <http://www.gao.gov/new.items/d06727.pdf> (please read “What GAO Found,” and “Results in Brief,” pgs. 1-5).

Kirk McClure, *The Low-Income Housing Tax Credit as an Aid to Housing Finance: How Well Has It Worked?*, Housing Policy Debate, Volume 11, issue I, 91 (2000), available at http://www.innovations.harvard.edu/sites/default/files/hpd_1101_mcclure.pdf

Joint Center for Housing Studies at Harvard University, *Long-Term Low Income Housing Tax Credit Policy Questions*, November 2010, available at <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/1001483-Long-Term-Low-Income-Housing-Tax-Credit-Policy-Questions.PDF>

October 29

Treasury Inspector General for Tax Administration, *Inappropriate Criteria Were Used to Identify Tax-Exempt Applications for Review*, May 14, 2013, available at <http://www.treasury.gov/tigta/auditreports/2013reports/201310053fr.pdf>

November 5

Department of Treasury, *General Explanations of the Administration's Fiscal Year 2016 Revenue Proposals*, February 2015, available at <http://www.treasury.gov/resource-center/tax-policy/Documents/General-Explanations-FY2016.pdf>

Department of Treasury, *Table of Revenue Estimates for Fiscal Years 2016-2025*, available at <http://www.treasury.gov/resource-center/tax-policy/Documents/General-Explanations-FY2016-Tables.pdf>

November 12 and 19

Student paper presentations

