Tackling Tax Research

Research Refreshers
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Roadmap

- What is tax law?
- What are the sources?
- Where do you find the law?
- How do you know if it’s current?

Tax Authorities

- Legislative
- Administrative (executive)
- Judicial
Sources of Tax Law

- Legislative
  - Internal Revenue Code (IRC)
    - Located in Title 26 of the U.S.C. and as a stand-alone code
- Administrative
  - Internal Revenue Service (IRS) in conjunction with the Treasury Department
- Judicial
  - Federal court opinions
    - US Tax Court
    - US Courts of Appeals

Sources of Tax Law, cont.

- Agency interpretative regulations (executive authority—written by IRS & Treasury), including:
  - Final, Temporary and Proposed Regulations promulgated under IRC 7805
  - Treasury Notices and Announcements
- Public Administrative Rulings (IRS Revenue Rulings)—official interpretations of the tax consequences of the Code’s application to a hypothetical factual situation.
  - Binding on all taxpayers and are not general statements.
  - Can provide clues to the IRS’ litigation strategy.
  - About 60 per year, 1-3 pages each
  - Sources: taxpayer inquiries, court decisions, perceived need for additional guidance.
  - Published in the Weekly Internal Revenue Bulletin and semi-annually in the Cumulative Bulletin
  - Must check its currency with a citator volume
  - Citation: Rev. Rul. 99-40,1999-48 IRB 5; Rev. Rul. 99-40, 1999-2 CB 60

Persuasive Authority

- Legislative history
- Private Administrative Rulings (private parties may approach the IRS directly and ask for a Private Letter Ruling on a specific issue—these rulings are binding only on the requesting taxpayer)
  - See irs.gov for how to make this request