



Meet the Team Tax Policy & Advocacy

Together as the Association of International Certified Professional Accountants



Director



Senior Manager





Topics for Today













Together as the Association of International Certified Professional Accountants





AICPA Council Members Lobby Congress

- Expand Section 529 Savings Plan Usage
- Recognize Accounting as a STEM Profession
- Federal Tax Filing Extension Safe Harbor
- Resolution on the Fiscal State of the Nation





Increasing CPA Pipeline Through Expansion of Section 529 Savings Plans

- AICPA endorses the Freedom to Invest in Tomorrow's Workforce Act in both the House and Senate
- Expansion to include expenses required to obtain or maintain recognized postsecondary credentials (including CPA-related credentials)
- AICPA stands up for the CPA profession





Accounting as a (Science, Technology, Engineering, Math (STEM) Profession

- AICPA supports accounting to be recognized as a STEM curriculum under the Technology field and endorses:
 - Accounting STEM Pursuit Act in the House
 - STEM Education in Accounting Act in the Senate
- Allow existing STEM K-12 grant funding to be used for accounting awareness and education, which would help students gain interest in accounting at an earlier age



H.R. 3566 – Simplify Automatic Filing Extensions Act

Introduced with Republican and Democrat co-sponsors

No failure to pay penalty for individuals who pay 125% of prior year tax

Does not change or remove any existing rules

Interest still runs on any taxes not paid by April 15



American Families and Jobs Act

Tax Cuts for Working Families Act (H.R. 3936) Small Business Jobs Act (H.R. 3937)

Build it in America Act (H.R. 3938)



Tax Cuts for Working Families Act

- Renames the standard deduction the "guaranteed deduction"
- Bonus guaranteed deduction in 2024 & 2025:
 - \$2,000 for single and married filing separate individuals
 - \$3,000 for heads of household
 - \$4,000 for married filing jointly
- Phased out at 5% rate for modified adjusted gross income over:
 - \$200K Single & married filing separate
 - \$300K Heads of household
 - \$400K Married filing jointly



Small Business Jobs Act

- Form 1099-NEC (subcontract labor) reporting threshold increase from \$600 to \$5,000, starting in 2024
- Form 1099-K reporting threshold would revert back to \$20,000 / 200 transactions annually for third-party network transactions, retroactive to 2022
- Modifications to the section 1202 gain exclusion from qualified small business stock (QSBS):
 - Increase exclusion for gains from QSBS from 50% up to 100%:
 - New 50% exclusion for stock held for at least 3 years
 - New 75% exclusion for stock held for at least 4 years
 - 100% exclusion for stock held at least 5 years remains unchanged
 - Can add qualified convertible debt instrument holding period to holding period required to qualify for exclusion
 - Extends exclusion for gains to stock in S corps (currently limited to C corps)



Small Business Jobs Act

- Increases section 179 limits on expensing depreciable business assets: immediate expensing for small businesses to \$2.5M (effective in 2024)
- Establishes qualified rural opportunity zone to give investors in rural counties in "persistent poverty" tax advantages to invest in these zones





Build it in America Act

- Suspends TCJA's requirement to capitalize and amortize certain section 174
 R&E expenses (retroactive to 2022 and ending at end of 2025)
- Extends rules that allow taxpayers to add back depreciation, amortization, and depletion to adjusted taxable income for purposes of calculating the interest expense limitation, (starting in 2023 and expiring at end of 2025)
- Extends 100% bonus depreciation from Jan. 1, 2023, through 2025 (2026 for longer production period property and certain aircraft)



Build it in America Act

- Provides two elections with respect to certain foreign income taxes paid or accrued to certain Western Hemisphere countries (effective on date of enactment)
- Imposes 60% excise tax on certain purchases of U.S. agricultural interests by disqualified persons from certain countries (effective on date of enactment)
- Restores clean vehicle credit to immediately prior to the enactment of Inflation Reduction Act, but retains the limits based on modified AGI and manufacturer suggested retail price, and continues to impose modified critical mineral and battery component requirements



The Pay-fors

Repeal four credits enacted as part of the Inflation Reduction Act:

- Clean electricity production credit
- Clean electricity investment credit
- Credit for previously-owned clean vehicles
- Credit for qualified commercial clean vehicles





Working Families Tax Relief Act

- Child Tax Credit (CTC) Enhancements
 - Increase to \$3,000 for children aged 6-17 and \$3,600 for children from 0-5
 - Make the credit fully refundable
 - Deliver the CTC monthly
- Earned Income Tax Credit (EITC) Enhancements
 - Nearly triple the EITC for workers without children
 - Make the credit available for people starting at age 19
 - Eliminate the maximum age
- Make permanent the American Rescue Plan's expansion of the EITC and CTC



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Daniel Werfel Confirmed as New IRS Commissioner

- Confirmed by Senate March 9th
- Term: March 13, 2023 Nov. 12, 2027
- Prior Government Service
 - Acting IRS Commissioner under President Obama
 - Controller and Acting Deputy Director Office of Management Budget (OMB) under President Obama
 - Acting Controller of OMB under President George W. Bush

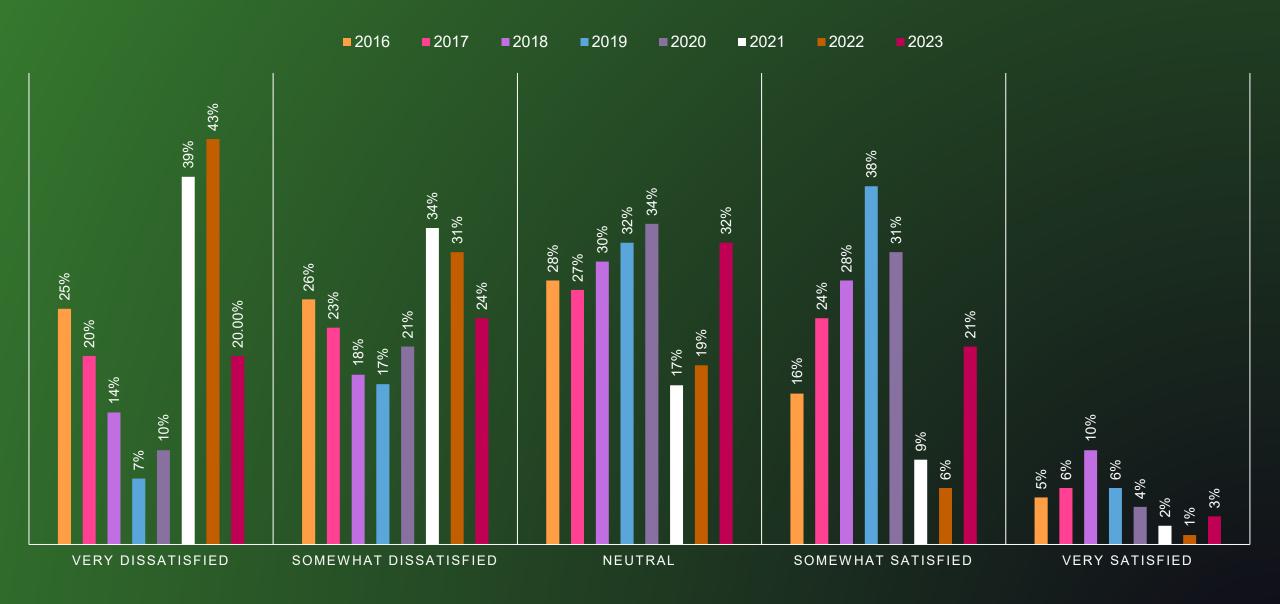




IRS SERVICES

2023 Tax Filing Season Survey Results: Tax Practitioners' Experiences with the IRS

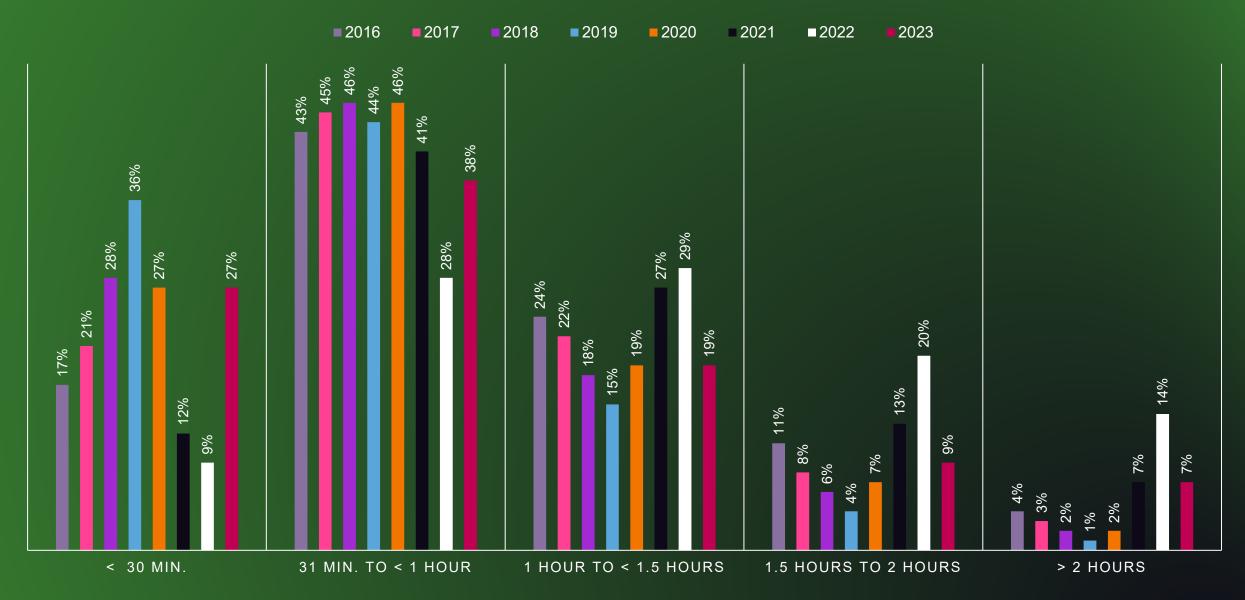




Overall satisfaction with the quality of taxpayer services from the IRS



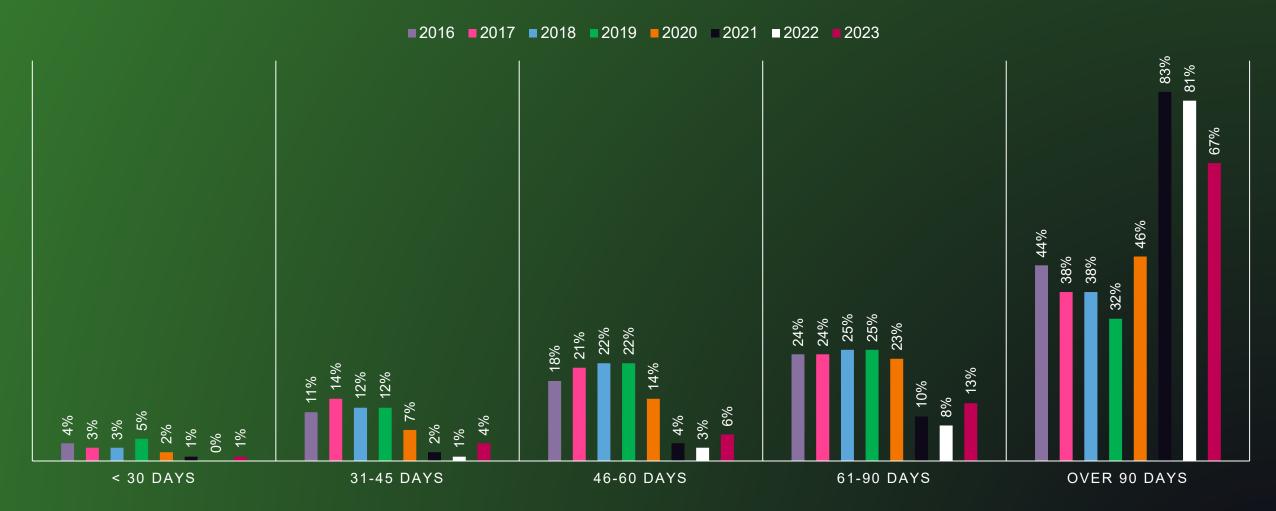
On the practitioner priority hotline, how often were practitioners able to reach an IRS representative?



How long did practitioners wait before calls to the IRS were either answered or disconnected (by the practitioner or the IRS)?

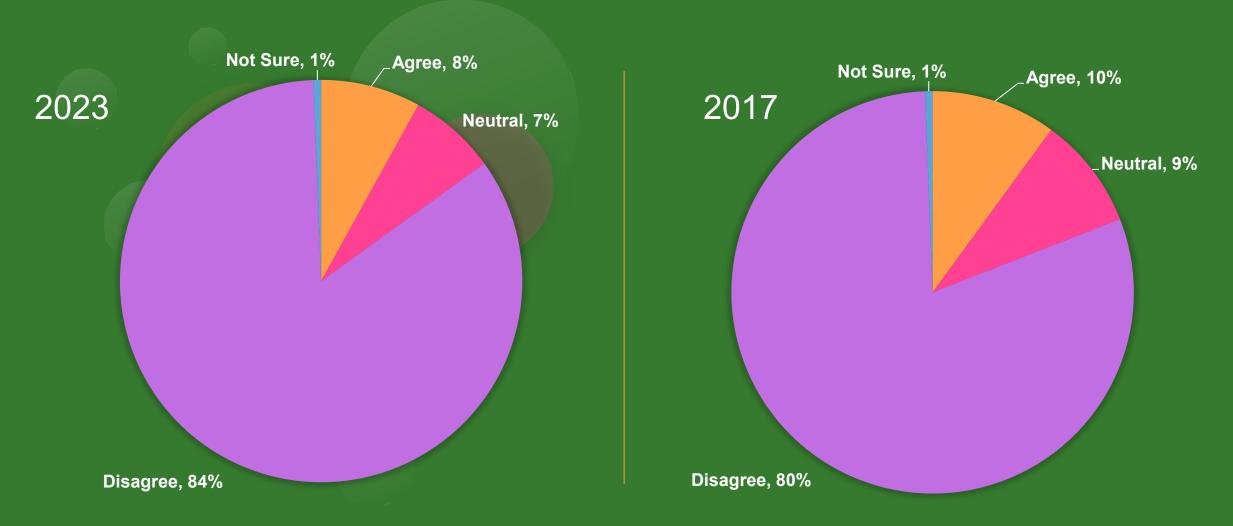


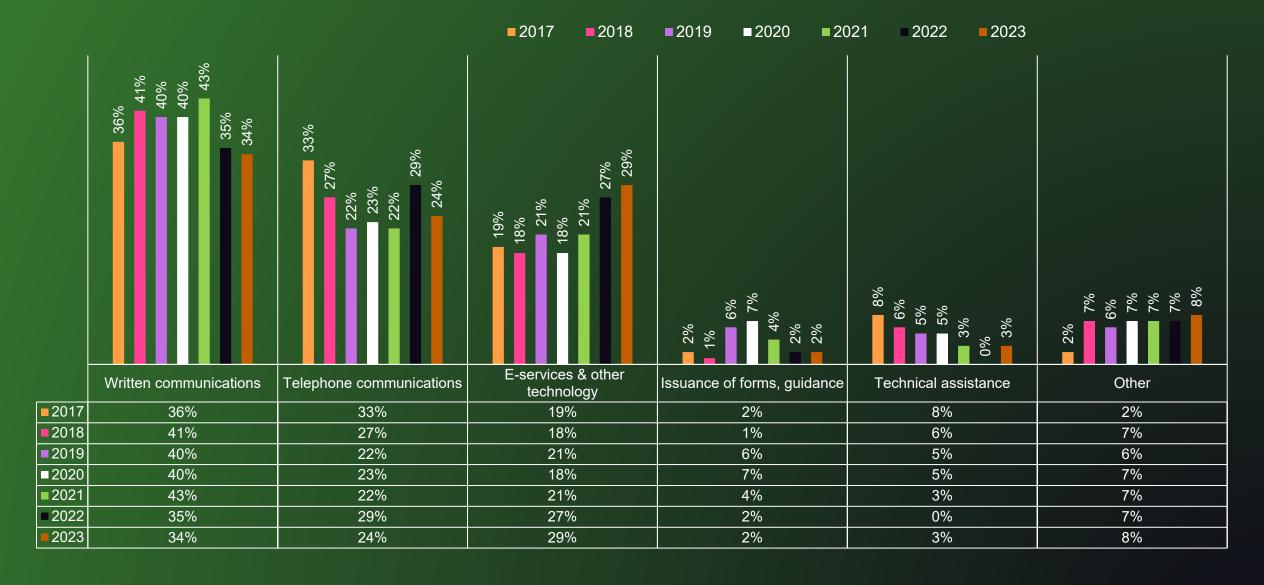
Practitioners experiencing an IRS "courtesy disconnect"



How long did it take for IRS to provide a "substantive response" to correspondence (as opposed to a computer-generated letter acknowledgement letter)?

Is the IRS currently a "modern-functioning, evolutionary and respected federal agency for the 21st century"?





What changes at the IRS would make the biggest impact on your practice?



IRS's IRA Strategic Operating Plan (FY2023-2031)

Five Main Objectives:

- 1. Dramatically improve services to help taxpayers
- 2. Quickly resolve taxpayer issues
- 3. Expand enforcement
- 4. Deliver cutting-edge technology
- 5. Attract and retain diverse workforce

Timeline to achieve objectives is through 2027

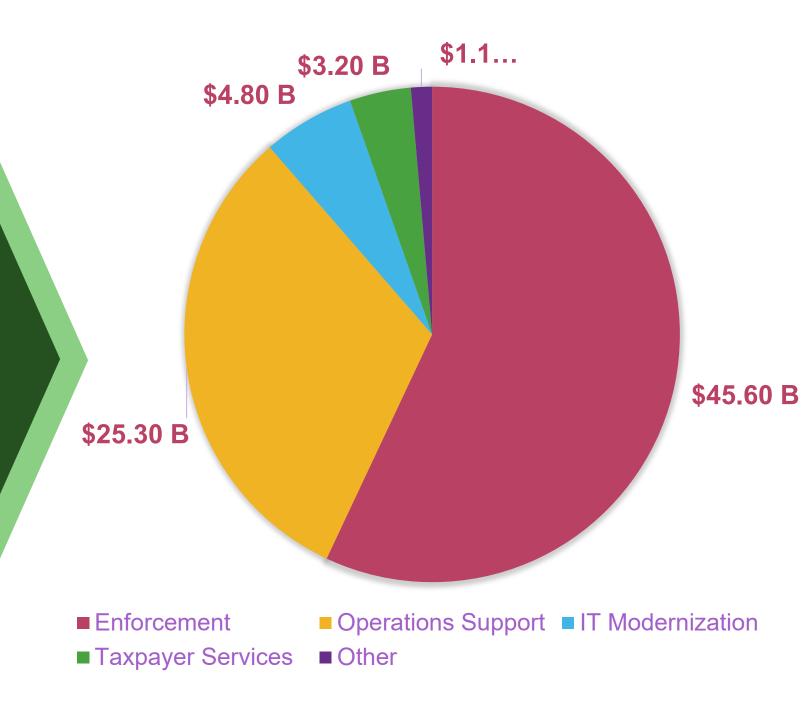
JoA article: IRS unveils \$80 billion spending plan





IRA '22 \$80B appropriations to IRS

Given the historic low levels of IRS taxpayer services, AICPA is concerned about imbalance between the funding for taxpayer services and enforcement.





Reallocation of \$21.4B in Funds

- Fiscal Responsibility Act of 2023 explicitly rescinded \$1.39B
- Additional \$20B in funds to be reallocated to "non-defense priorities"
- \$10B each in fiscal year 2024 and 2025
- Effect on IRS Strategic Operating Plan unclear
- White House official will not "fundamentally change" what IRS does
- IRS no immediate impact to customer service





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ADVOCATING FOR MEMBER PRIORITIES



IRS Priority Guidance Plan and AICPA Comments

- IRS <u>plan</u> for issuing guidance in the year
- AICPA submits <u>comments</u> of suggestions of needed guidance

DEPARTMENT OF THE TREASURY WASHINGTON, D.C. 20220

May 5, 2023 Department of the Treasury 2022-2023 Priority Guidance Plan

Joint Statement by:

Lily Batchelder Assistant Secretary for Tax Policy US. Department of the Treasury

> Danny Werfel Commissioner Internal Revenue Service

William M. Paul
Principal Deputy Chief Counsel and Deputy Chief Counsel (Technical)
Internal Revenue Service

We are pleased to announce the release of the third quarter update to the 2022–2023 Priority Guidance Plan.

In Notice 2022-21, the Department of the Treasury (Treasury Department) and the Internal Revenue Service (Service) solicited recommendations for items to be included in the plan from all interested parties, including taxpayers, tax practitioners, and industry groups. The Treasury Department and the Service recognize the importance of public input in formulating a Priority Guidance Plan that focuses resources on guidance items that are most important to taxpayers and tax administration. Solicitation of input on, and issuance of, this plan reflects an emphasis on taxpayer engagement with the Treasury Department and the Service through a variety of channels, consistent with the directive of the Taxpayer First Act, Pub. L. 116-25, 133 Stat. 981.

The 2022–2023 Priority Guidance Plan contains 205 guidance projects, 79 of which were completed by March 31, 2023. In addition to the items on the 2022–2023 plan, the Appendix lists the more routine guidance that is generally published each year.



SECURE 2.0

- Priority Guidance
- Technical Corrections
- Journal of Accountancy article

An Act

Making consolidated appropriations for the fiscal year ending September 30, 2023, and for providing emergency assistance for the situation in Ukraine, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consolidated Appropriations" Act, 2023".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

Sec. 4. Explanatory statement. Sec. 5. Statement of appropriations.

Sec. 6. Adjustments to compensation.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

Title I—Agricultural Programs
Title II—Farm Production and Conservation Programs

Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Related Agency and Food and Drug Administration
Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

Title I-Department of Commerce

Title II—Department of Justice Title III—Science

Title IV—Related Agencies

Title V—General Provisions

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2023

Title I-Military Personnel

Title II-Operation and Maintenance

Title III—Procurement

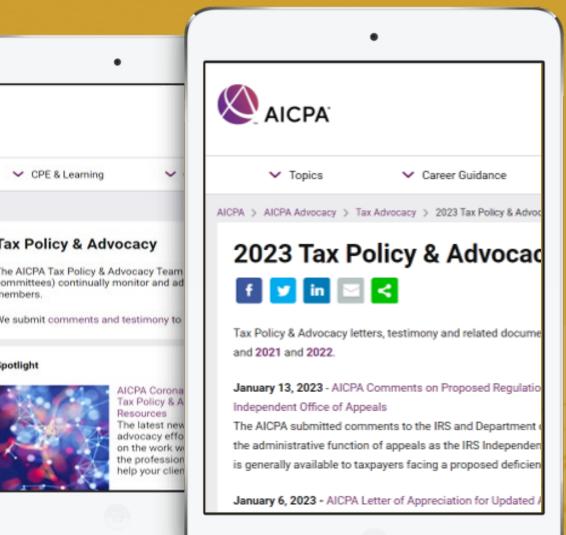
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs

Title VII—Related Agencies



Hot Tax Advocacy Initiatives

- **▶** Employee Retention Credit
- ▶ CA Disaster Relief
- ▶ Losses on Digital Assets
- **▶** Excise Tax on Stock Buybacks
- Corp AMT
- ▶ Remote and Hybrid Working



AICPA Tax Policy & Advocacy Webpages

For more information about the Tax Policy and Advocacy team check out our website and comment letters page.

Website

https://us.aicpa.org/advocacy/tax

Comment letters

https://us.aicpa.org/advocacy/tax/2023taxadvocacycommentletters.html



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Statements of Standards for Tax Services (SSTS)

- SSTSs are enforceable tax practice standards for AICPA members
- In 2022 AICPA issued an exposure draft of proposed revisions to modernize the SSTSs.
- An invitation to comment was also issued to members
- Comments were received and incorporated into the final SSTS, which was approved by the AICPA's Tax Executive Committee in May 2023
- Changes are effective January 1, 2024
- AICPA SSTS webpage



International Ethics Standards Board for Accountants (IESBA)

IESBA has put forth on its <u>Proposed Revisions to the Code Addressing</u> <u>Tax Planning and Related Services exposure draft</u> to strengthen the ethical expectations for professional accountants (PA) in business and in public practice when performing tax planning (TP) activities.

In the United States, licensed professional accountants are referred to as Certified Public Accountants (CPAs). A license to practice is granted by an individual state board of accountancy, which governs the behavior of CPAs licensed to practice in their respective jurisdiction. While not all CPAs are AICPA members, most state boards use the AICPA Code of Professional Conduct and related practice standards as part of their licensing and oversight regimes.

Exposure Draft February 2023 Comments due: May 18, 2023

International Ethics Standards Board for Accountants®

Proposed Revisions to the Code Addressing Tax Planning and Related Services





OECD Global Tax Reform

- Background and Purpose of OECD and Tax Reforms
- Global Tax Reform using two "Pillars"
 - Pillar One A Digital Services Tax
 - Pillar Two A Global Minimum Tax
- United States Stance on Pillar Two
- Implications to International Enterprises and Their Business Partners



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Certified Professional Accountants

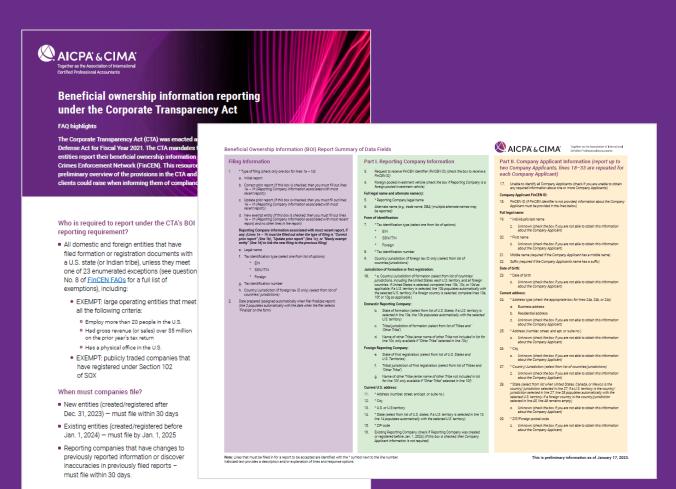
Beneficial ownership information (BOI) reporting

Starting Jan. 1, 2024, most entities created or registered to do business in the U.S. will need to report information on their beneficial owners to FinCEN under the Corporate Transparency Act.

Visit the BOI resource center →

Tax Section

Access free resources to learn more.



Tax Section members can access an expanded FAQ guide.



Certified Professional Accountants

Employee retention credit

While the ERC is an opportunity to consider for your business, the eligibility rules and credit calculations are complex with significant consequences if done improperly.

- ERC: Fact or Fiction?
- Employee Retention Credit Client **Documentation Memo Template**
- Employee Retention Credit Decision Tree
- ERC FAQs



Employee retention credit:

Fact or fiction?

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Employee Retention Credit (ERC)

Decision tree for practitioners

The Employee Retention Credit (ERC) can be claimed for qualifying quarters from 2020 and 2021 on a Form 941X, Adjusted Employer's Quarterly Federal Tax Return or Claim for Refund. For determining the three-year statute of limitations, Forms 941 for a calendar year are considered filed on April 15 of the succeeding year if filed before that date. Therefore, for each quarter of 2020, Form 941X will be due to be filed by April 15, 2024. For each quarter in 2021, Form 941X will be due to be filed by April 15, 2025.

The IRS has issued several warnings related to ERC claims, specifically calling out promoters of the credit who may be misleading people and businesses about their eligibility for the credit. The IRS has also noted it is actively auditing and

This resource is meant to assist with the different decision points while working with your clients related to ERC claims

After evaluating the business' eligibility and potential credit for ERC, did you/your firm prepare an ERC claim (on Form 941X) for the client?

Practitioner considerations may include:

- Signed engagement letter for the ERC study and preparation of amended returns
- Discussing with client that the business returns (and underlying individual returns if applicable) should be amended for the proper period
- Documentation of work performed to include eligibility criteria and applicable worksheets with support used to prepare Form 941X
- Consider professional standards applicable to tax return positions (including but not limited to the Statement on Standards for Tax Services No. 1).
- Documentation of communication to client of the following as applicable
- IRS may examine and dispute ERC claim
- · If the ERC claim is disallowed, additional payroll taxes, penalties and interest will be
- · IRS statute of limitations on the examination of claim has been extended for certain quarters (and could be extended further). This could cause the claim to be disallowed after the time of the business income tax return's statute of limitations (meaning the deduction of wages due to the disallowed credit will be lost)
- Discussion with your professional liability insurance carrier. See AON's risk alert for more
- See IRS Office of Professional Responsibility Issue Number 2023-02 for more profession esponsibility considerations.

Practitioner considerations may include:

- Maintain documentation of work prepared to determine ERC eligibility
- Consider billings based on prior agreement with client.
- Document the discussion with client about your conclusion

Visit the ERC resource library→



Digital assets, virtual currencies and blockchain

- Crypto Loss Tax Reporting : Fact or Fiction?
- State guidance on taxation and reporting of digital assets
- Virtual currency and digital assets tax guidance and resources

 $\text{Visit library} \rightarrow$





Disaster tax relief resources

- Casualty loss FAQ
- Disaster tax relief FAQ and latest developments
- Disaster tax relief procedures and processes

Visit the Disaster Relief Resource Center →





Free for AICPA members

AICPA Washington Tax Brief

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TAX PRACTICE QUARTERLY

2023 Future-Focused Tax Practice Forum

July 19, 1pm or July 25, 3pm ET 2 CPE credits

Free for Tax Section members





2023 Summer Tax Rewind

A quarterly roundup of the latest tax updates

- Tax planning
- Legislative changes and reforms
- IRS tax practice and procedures







Tax Section

Your go-to source for tax developments and professional insights



Engagement letters



Tax return checklists



State tax resource center



IRS guidance and support



Free CPE



The Tax Adviser magazine



Video learning library



Weekly e-newsletter



Section Odyssey

Follow the Tax Section Odyssey podcast for professional insights and the latest tax developments.

- The 5 Ws of beneficial ownership information (BOI) reporting
- The digital download ChatGPT, All and data security
- Employee retention credit and professional responsibilities
- When to call an audible on the passthrough entity tax
- Uncovering the intricacies Schedules K-2 and K-3

taxodyssey.libsyn.com



IRS guidance and resources

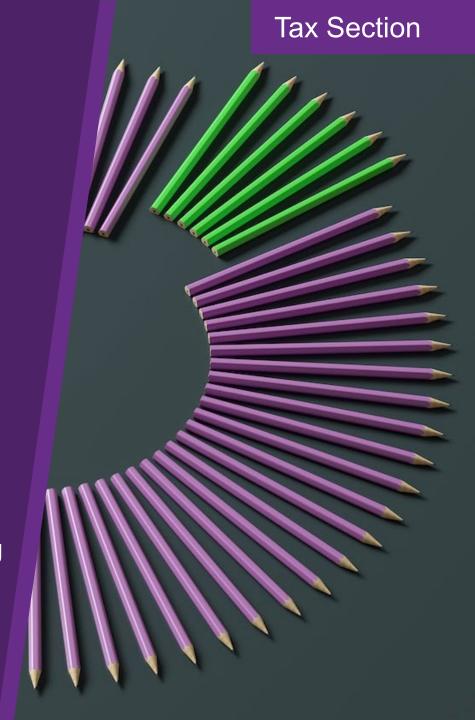
- Collection appeal options chart
- Formal written protest issue response letter
- Letter to request installment agreement
- Payment agreements guide
- Penalty abatement templates
- Third-party authorization guidance





IRS Schedules K-2 and K-3 guidance and resources

- Client information letter
- IRS guidance and forms
- AICPA advocacy
- Tax Section Odyssey podcast episodes:
 - Uncovering the intricacies Schedules K-2 and K-3
 - Making sense of new international passthrough reporting
 - Transitional challenges for Schedules K-2 and K-3



Q&A