

TAC

For the USCPA Exam

USCPA

Federal Taxation

(TAX) Vol.1

Taxation and Regulation

(REG)

Tax Compliance and Planning

(TCP)



For The CPA Evolution,
Exams Scheduled
From January 1, 2024
Ver.6 問題集

REG 

Becker Online と同様
 正答率（累積）80~90%
 以上を目指そう！

厳選MC490問題集

Becker Online 演習ソフト（印刷物：実践トレーニング集）収録の MC 問題のうち、出題パターンを分析し厳選した問題及び最新の傾向を基に作成した TAC & Becker 予想問題を TAC テキストの章ごとに分けて日本語ポイント解説付きで掲載したのが、この問題集です。※正解・不正解は関係なく、英文解説にも目を通すようにして下さい。なぜ他の選択肢は不正解なのか？を考えてみるのが、短期合格への近道だと考えています。

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PART I : INDIVIDUAL INCOME TAXATION

1. Overview (Filing) & 2. Payment of Tax

問題編 (計6問)

CORE : REG Q 1~6

USCPA試験対策用に厳選問題を効率重視で下表の3つにランク分けしている。なお、Becker Online演習ソフトのMC問題を解かずとも、合格するために十分な演習問題数を日本語ポイント解説付きで掲載している。英文解説はBeckerが作成している。※下表はTAX用。

A ランク	基本問題 目標正答率：100%
B ランク	合否を分ける問題 ※複数の論点が併せて出題されている。 ※ひねりやひっかけが含まれている。 目標正答率：80%
C ランク	難問、奇問、出題頻度が低い問題 ※時間をかけないこと。 目標正答率：50%

1. MCQ-05302 Released 2006 **A**

In evaluating the hierarchy of authority in tax law, which of the following carries the greatest authoritative value for tax planning of transactions?

- Internal Revenue Code.
- IRS regulations.
- Tax court decisions.
- IRS agents' reports.

2. TAC Original **B**

Which of the following statements is true regarding the tax return filing requirements for an individual taxpayer who dies during the current tax year?

- No individual income tax return need be filed for the year of their death.
- An individual income tax return should be filed prior to the end of the year (December 31) of their death.
- An individual income tax return should be filed within 9 months of the date of death.
- An individual income tax return should be filed by April 15 of the year following their death.

3. MCQ-02084 ARE R98 #4 (Adapted) **A**

Krete, an unmarried taxpayer with income exclusively from wages, filed her initial income tax return for the 20X1 calendar year. By December 31, 20X1, Krete's employer had withheld \$16,000 in federal income taxes and Krete had made no estimated tax payments. On April 15, 20X2, Krete timely filed an extension request to file her individual tax return and paid \$300 of additional taxes. Krete's 20X1 income tax liability was \$16,500 when she timely filed her return on April 30, 20X2, and paid the remaining income tax liability balance. What amount would be subject to the penalty for the underpayment of estimated taxes?

- \$0
- \$200
- \$500
- \$16,500

4. MCQ-02098 ARE May 95 (Adapted) □□ A

Chris Baker's adjusted gross income on her 20X1 tax return was \$160,000. The amount covered a 12-month period. For the 20X2 tax year, Baker may avoid the penalty for the underpayment of estimated tax if the timely estimated tax payments equal the required annual amount of:

- I. 90% of the tax on the return for the current year paid in four equal installments.
- II. 110% of prior year's tax liability paid in four equal installments.
 - a. I only.
 - b. II only.
 - c. Both I and II.
 - d. Neither I nor II.

5. MCQ-06884 Released 2011 □□ A

Sam's Year 2 taxable income was \$175,000 with a corresponding tax liability of \$30,000. For Year 3, Sam expects taxable income of \$250,000 and a tax liability of \$50,000. In order to avoid a penalty for underpayment of estimated tax, what is the minimum amount of Year 3 estimated tax payments that Sam can make?

- a. \$30,000
- b. \$33,000
- c. \$45,000
- d. \$50,000

6. TAC Original □□ A

In which of the following cases *may* a penalty be charged for underpayment of estimated taxes if their tax liability for the current year exceeds their estimated tax payments:

- a. The taxpayer had no tax liability for the prior year.
- b. The taxpayer's total estimated tax liability for the current year was less than \$1,000.
- c. The taxpayer had an Adjusted Gross Income of \$100,000 for the prior year, and they paid 100% of their prior year's tax liability in estimated payments.
- d. The taxpayer's Adjusted Gross Income for the prior year was \$180,000, and they paid 100% of their prior year's tax liability in estimated payments.

CORE : REG

Becker Online 演習ソフトに収録されている 直近10年分の AICPA リリース MC 問題は、あえて当問題集巻末に年度ごとに分けて掲載しているが、PARTI 第1&2章に対応する問題は以下となる。近年の出題の傾向を把握しよう。また、複数年サイクルで酷似問題が出題されることがあるので、直近10年分としている。

Released 2020 (p.166~) ⇒ Q3

3. Filing Status

問題編 (計5問)

CORE : REG Q 7~11

7. MCQ-01404 ARE May 95 #13 A

Which of the following is (are) among the requirements to enable a taxpayer to be classified as a "qualifying widow(er)"?

- I. A dependent has lived with the taxpayer for six months.
- II. The taxpayer has maintained the cost of the principal residence for six months.
 - a. I only.
 - b. II only.
 - c. Both I and II.
 - d. Neither I nor II.

8. MCQ-04765 Released 2005 A

Parker, whose spouse died during the preceding year, has not remarried. Parker maintains a home for a dependent child. What is Parker's most advantageous filing status?

- a. Single.
- b. Head of household.
- c. Married filing separately.
- d. Qualifying widow(er) with dependent child.

9. MCQ-05278 Released 2006 B

In which of the following situations may taxpayers file as married filing jointly?

- a. Taxpayers who were married but lived apart during the year.
- b. Taxpayers who were married but lived under a legal separation agreement at the end of the year.
- c. Taxpayers who were divorced during the year.
- d. Taxpayers who were legally separated but lived together for the entire year.

10. Becker Example B

Which of the following individuals could claim Head of Household filing status?

- I. A 32 year-old divorced mother of two children, both of whom resided with her for the entire tax year.
- II. A 45 year-old widow whose spouse died in the prior tax year and who provided all expenses related to the principal residence of her mother for the tax year.
- III. A 56 year-old widow whose spouse died during the current tax year and who provided a household that is the principal residence of her 15-year-old daughter.
- IV. A single male who owns his own home and provides 100% of the support for his Aunt Martha, who resided with him for the entire tax year.
 - a. I and III.
 - b. I only.
 - c. II and IV.
 - d. I, II, and IV.

11. Released 2008 □□ **A**

A couple filed a joint return in prior tax years.
During the current tax year, one spouse died.
The couple has no dependent children. What is
the filing status available to the surviving spouse
for the first subsequent tax year?

- a. Surviving spouse.
- b. Married filing separately.
- c. Single.
- d. Head of household.

CORE : REG

直近10年分の AICPA リリース MC 問題のうち

PART I 第3章に対応する問題は以下となる。

Released 2015 (p.135~) ⇒ **Q9**

Released 2018 (p.154~) ⇒ **Q7**

Released 2019 (p.159~) ⇒ **Q9**

Released 2020 (p.166~) ⇒ **Q11**

Released 2021 (p.174~) ⇒ **Q24**

Released 2022 (p.181~) ⇒ **Q24**

4. Dependency Requirements

問題編 (計6問)

CORE : REG Q 12~17

12. Becker Example A

Janet and Ted have two children, Mary (age 10) and Seth (age 12). Janet's Aunt Martha resides with the family in an apartment over the garage. Martha's only income is \$1,500 a month in Social Security benefits. Janet and Ted receive no rent payments from Martha and provide all remaining support for her living arrangements. How many dependents do Janet and Ted have under the qualifying child and qualifying relative rules?

- Zero
- One
- Two
- Three

13. Becker Example A

In 20X1, Smith, a divorced person, provided over one half the support for his widowed mother, Ruth, and his son, Clay, both of whom are U.S. citizens. During 20X1, Ruth did not live with Smith. She received \$9,000 nontaxable Social Security benefits. Clay, a 25 year-old full-time graduate student, and his wife lived with Smith. Clay had no income but filed a joint return for 20X1, owing an additional \$500 in taxes on his wife's income. How many people meet the definition of either qualifying child or qualifying relative for Smith?

- Zero
- One
- Two
- Three

14. MCQ-01415 ARE May 94 #14 A

Jim and Kay Ross contributed to the support of their two children, Dale and Kim, and Jim's widowed parent, Grant. For Year 1, Dale, a 19-year-old full-time college student, earned \$4,500 as a babysitter. Kim, a 23-year-old bank teller, earned \$12,000. Grant received \$5,000 in dividend income and \$4,000 in nontaxable Social Security benefits. Grant and Kim are U.S. citizens and were over one-half supported by Jim and Kay, but neither of the two currently reside with Jim and Kay. Dale's main place of residence is with Jim and Kay, and he is currently on a temporary absence to attend school. How many people meet the definition of either qualifying child or qualifying relative on the Year 1 joint income tax return for Jim and Kay Ross?

- Zero
- One
- Two
- Three

15. TAC Original C

Ted and Nancy file a joint return. They pay \$9,000 to rent an apartment for their parents, Amy and David. Amy provides \$6,000 towards her own support and David provides \$4,000. The other dependency tests are met for both Amy and David. Who qualified as a dependent for Ted and Nancy?

- Amy and David
- Amy
- David
- No One

16. TAC Original **A**

Which of the following relatives may not be claimed as a dependent for the 20X1 tax year, given that none live with the taxpayer, but all other dependency criteria are met:

- a. An uncle
- b. A cousin
- c. A grandfather who died in January, 20X1
- d. A child born in December, 20X1

17. TAC Original **B**

Which of the following may not be claimed as a dependent:

- a. An exchange student from Japan, who lives with the taxpayer for the entire year. The taxpayer provides 100% of the student's support.
- b. The taxpayer's daughter's husband, who does not live with the taxpayer (and who does not file a joint return). He earns \$2,500 during the tax year. The taxpayer provides more than 50% of his support.
- c. The taxpayer's daughter, who live with the taxpayer (and who does not file a joint return). She is 23 years old and a full-time student. She earns \$5,000 during the current tax year. The taxpayer provides more than 50% of her support.
- d. The taxpayer's niece, who does not live with the taxpayer. She earns \$2,000 during the current tax year. The taxpayer provides more than 50% of her support.

CORE : REG

直近10年分の AICPA リリース MC 問題のうち
PART I 第4章に対応する問題は以下となる。

Released 2016 (p.142~) ⇒ **Q9**

Released 2017 (p.148~) ⇒ **Q23**

5. Gross Income - Inclusions

問題編 (計34問)

CORE : REG Q 18-51

18. MCQ-01840 May 95 #15 A

A cash basis taxpayer should report gross income:

- Only for the year in which income is actually received in cash.
- Only for the year in which income is actually received whether in cash or in property.
- For the year in which income is either actually or constructively received in cash only.
- For the year in which income is either actually or constructively received, whether in cash or in property.

19. MCQ-14631 A

Merrill and Joe's divorce was finalized in June of 2018. As part of the settlement, Joe received the following:

Alimony	\$1,500 per month
Child support	\$500 per month
Lump-sum payment as the property settlement	\$125,000

Merrill only paid a total of \$15,000 during the current year. What amount must Joe include in income on his current year Form 1040?

- \$9,000
- \$15,000
- \$134,000
- \$140,000

20. MCQ-04859 B

Tom and Sharlene had the following items of income and expense during the taxable year:

Tom's wages from his job	\$ 67,000
Interest from money market	\$ 1,500
Gain from sale of securities owned for 3 months	\$ 15,000

Self-Employment Activity

Gross income	\$ 35,000
Business license fees	\$ 500
Marketing expenses	\$ 2,000
Salary paid to Sharlene	\$ 10,000

What is Tom & Sharlene's gross income before adjustments?

- \$106,000
- \$116,000
- \$128,500
- \$131,500

21. MCQ-04861 A

Seth Silver had the following items of income during the taxable year:

Interest income from a checking account	\$ 1,000
Interest income from a money market account	2,050
Interest income from a municipal bond he purchased during the current year	250
Interest income from federal bonds he purchased two years ago	750

On his current year tax return, what amount is taxable income?

- \$3,050
- \$3,300
- \$3,800
- \$4,050

22. Becker Example **A**

Stella Corporation's information is as follows:

Prior year's earnings and profits	\$ 75,000
Current year's earnings and profits	\$ 0
Capital invested by shareholders	\$ 25,000

At the end of the current year, Stella Corporation paid its shareholders a total of \$150,000 in dividends. What amount is taxable, either as ordinary income or capital gain, to the shareholders in total?

- \$0
- \$75,000
- \$100,000
- \$125,000

23. MCQ-05293 Released 2006 **A**

Barkley owns a vacation cabin that was rented to unrelated parties for 10 days during the year for \$2,500. The cabin was used personally by Barkley for three months and left vacant for the rest of the year. Expenses for the cabin were as follows:

Real estate taxes	\$1,000
Maintenance and utilities	\$2,000

How much rental income (loss) is included in Barkley's adjusted gross income?

- \$0
- \$500
- \$(500)
- \$(1,500)

24. MCQ-01428 ARE R02 #2 **B**

Adams owns a second residence that is used for both personal and rental purposes. During the current year, Adams used the second residence for 50 days and rented the residence for 200 days.

Which of the following statements is *correct*?

- Depreciation may not be deducted on the property under any circumstances.
- A rental loss may be deducted if rental-related expenses exceed rental income.
- Utilities and maintenance on the property must be divided between personal and rental use.
- All mortgage interest and taxes on the property will be deducted to determine the property's net income or loss.

25. MCQ-14627 Released 2002 **A**

Which of the following conditions must be present in a divorce agreement executed on or before December 31, 2018, for a payment to qualify as deductible alimony?

- Payments must be in cash or its equivalent.
- The payments must end at the recipient's death.
 - I only.
 - II only.
 - Both I and II.
 - Neither I nor II.

26. MCQ-01438 ARE R02 #8 **B**

Which of the following costs is *not* included in inventory under the Uniform Capitalization rules for goods manufactured by the taxpayer?

- Research.
- Warehousing costs.
- Quality control.
- Taxes excluding income taxes.

27. MCQ-01472 ARE R99 #6 **B**

Baker, a sole proprietor CPA, has several clients that do business in Spain. While on a four-week vacation in Spain, Baker took a five-day seminar on Spanish business practices that cost \$700. Baker's round-trip airfare to Spain was \$600. While in Spain, Baker spent an average of \$100 per day on accommodations, local travel, and other incidental expenses, for total expenses of \$2,800. What amount of expense can Baker deduct on Form 1040 Schedule C, "Profit or Loss From Business"?

- a. \$700
- b. \$1,200
- c. \$1,800
- d. \$4,100

28. MCQ-12704 **A**

What are the treatment options for a net operating loss that arise in 2021 and beyond?

- a. Two-year carryback and 20-year carryforward
- b. No carryback and 20-year carryforward
- c. No carryback and indefinite carryforward
- d. Two-year carryback and indefinite carryforward

29. MCQ-01564 ARE May 94 #2 **A**

In a tax year where the taxpayer pays qualified education expenses, interest income on the redemption of qualified U.S. Series EE Bonds may be excluded from gross income. The exclusion is subject to a modified gross income limitation and a limit of aggregate bond proceeds in excess of qualified higher education expenses. Which of the following is (are) true?

- I. The exclusion applies for education expenses incurred by the taxpayer, the taxpayer's spouse, or any person whom the taxpayer may claim as a dependent for the year.
- II. "Otherwise qualified higher education expenses" must be reduced by qualified scholarships not includible in gross income.
 - a. I only.
 - b. II only.
 - c. Both I and II.
 - d. Neither I nor II.

30. MCQ-01568 ARE May 94 #3 **A**

During the year Kay received interest income as follows:

On U.S. Treasury certificates	\$4,000
On refund of prior year's federal income tax	500

The total amount of interest subject to tax in Kay's current year tax return is:

- a. \$4,500
- b. \$4,000
- c. \$500
- d. \$0

31. MCQ-01609 PII Nov 93 #21 **A**

Perle, a dentist, billed Wood \$600 for dental services. Wood paid Perle \$200 cash and built a bookcase for Perle's office in full settlement of the bill. Wood sells comparable bookcases for \$350. What amount should Perle include in taxable income as a result of this transaction?

- a. \$0
- b. \$200
- c. \$550
- d. \$600

32. MCQ-01571 ARE May 94 (Adapted) B

With regard to the inclusion of social security benefits in gross income, for the current tax year, which of the following statements is correct?

- a. The social security benefits in excess of modified adjusted gross income are included in gross income.
- b. The social security benefits in excess of one half the modified adjusted gross income are included in gross income.
- c. Eighty-five percent of the social security benefits is the maximum amount of benefits to be included in gross income.
- d. The social security benefits in excess of the modified adjusted gross income over a threshold amount are included in gross income.

33. Becker Example B

Rich is a cash basis self-employed air-conditioning repairman with the current year's gross business receipts of \$20,000. Rich's cash disbursements were as follows:

Air conditioning parts	\$2,500
Yellow Pages listing	2,000
Estimated federal income taxes on self-employment income	1,000
Business long-distance telephone calls	400
Charitable contributions	200

What amount should Rich report as net self-employment income?

- a. \$15,100
- b. \$14,900
- c. \$14,100
- d. \$13,900

34. MCQ-01614 / 05979 A

Nare, an accrual-basis taxpayer, owns a building which was rented to Mott under a 10-year lease expiring August 31, Year 8. On January 2, Year 2, Mott paid \$30,000 as consideration for canceling the lease. On November 1, Year 2, Nare leased the building to Pine under a five-year lease. Pine paid Nare \$10,000 rent for the two months of November and December, and an additional \$5,000 for the last month's rent. What amount of rental income should Nare report in its Year 2 income tax return?

- a. \$10,000
- b. \$15,000
- c. \$40,000
- d. \$45,000

35. MCQ-01620 PII Nov 93 #24 A

John and Mary were divorced in 2017. The divorce decree (executed 6/30/2017) provides that John pay alimony of \$10,000 per year, to be reduced by 20% on their child's 18th birthday. During the current year, the \$10,000 was paid in the following way: John paid \$7,000 directly to Mary and \$3,000 to Spring College for Mary's tuition. What amount of these payments should be reported as income in Mary's current year income tax return?

- a. \$5,600
- b. \$8,000
- c. \$8,600
- d. \$10,000

36. MCQ-01636 PII Nov 92 #16 A

Clark took a standard deduction for 20X1 taxable year. In July 20X2, Clark received a state income tax refund of \$900 plus interest of \$10, for overpayment of 20X1 state income tax. What amount of the state tax refund and interest is taxable in Clark's 20X2 federal income tax return?

- a. \$0
- b. \$10
- c. \$900
- d. \$910

37. MCQ-04721 Released 2005 **A**

During the current year, Adler had the following cash receipts:

Wages	\$18,000
Interest Income from investments in municipal bonds	400
Unemployment compensation	3,900

What is the total amount that must be included in gross income on Adler's current year income tax return?

- a. \$18,000
- b. \$18,400
- c. \$21,900
- d. \$22,300

38. MCQ-04756 Released 2005 **B**

DAC Foundation awarded Kent \$75,000 in recognition of lifelong literary achievement. Kent was not required to render future services as a condition to receive the \$75,000. What condition(s) must have been met for the award to be excluded from Kent's gross income?

- I. Kent was selected for the award by DAC without any action on Kent's part.
 - II. Pursuant to Kent's designation, DAC paid the amount of the award either to a governmental unit or to a charitable organization.
- a. I only.
 - b. II only.
 - c. Both I and II.
 - d. Neither I nor II.

39. MCQ-04760 Released 2005 **A**

Mosh, a sole proprietor, uses the cash basis of accounting. At the beginning of the current year, accounts receivable were \$25,000. During the year, Mosh collected \$100,000 from customers. At the end of the year, accounts receivable were \$15,000. What was Mosh's gross taxable income for the current year?

- a. \$75,000
- b. \$90,000
- c. \$100,000
- d. \$110,000

40. MCQ-05267 Released 2006 **A**

Porter was unemployed for part of the year. Porter received \$35,000 of wages, \$6,400 from a state unemployment compensation plan, and \$2,000 from his former employer's company-paid supplemental unemployment benefit plan. What is the amount of Porter's gross income?

- a. \$35,000
- b. \$37,000
- c. \$41,400
- d. \$43,400

41. MCQ-05279 Released 2006 **A**

Which one of the following will result in an accruable expense for an accrual-basis taxpayer?

- a. An invoice dated prior to year end but the repair completed after year end.
- b. A repair completed prior to year end but **not** invoiced.
- c. A repair completed prior to year end and paid upon completion.
- d. A signed contract for repair work to be done and the work is to be completed at a later date.

42. Becker Example **C**

Which one of the following statements is correct with regard to an individual taxpayer who has elected to amortize the premium on a bond that yields taxable interest?

- a. The amortization is treated as an itemized deduction.
- b. The amortization is not treated as a reduction of taxable income.
- c. The bond's basis is reduced by the amortization.
- d. The bond's basis is increased by the amortization.

43. MCQ-01823 May 91 II #28 **C**

Clark bought Series EE U.S. Savings Bonds after 1989. Redemption proceeds will be used for payment of college tuition for Clark's dependent child. One of the conditions that must be met for tax exemption of accumulated interest on these bonds is that the:

- a. Purchaser of the bonds must be the sole owner of the bonds (or joint owner with his or her spouse).
- b. Bonds must be bought by a parent (or both parents) and put in the name of the dependent child.
- c. Bonds must be bought by the owner of the bonds before the owner reaches the age of 24.
- d. Bonds must be transferred to the college for redemption by the college rather than by the owner of the bonds.

44. Becker Example **A**

The uniform capitalization method must be used by:

- I. Manufacturers of tangible personal property.
 - II. Retailers of personal property with \$2 million in average annual gross receipts for the three preceding years.
- a. I only.
 - b. II only.
 - c. Both I and II.
 - d. Neither I nor II.

45. MCQ-15620 Released 2008 **B**

Chris, age five, has \$3,000 of interest income and no earned income this year. Assuming the current applicable standard deduction for dependents is \$1,150, how much of Chris' income will be taxed at his parent's marginal rate?

- a. \$0
- b. \$700
- c. \$1,850
- d. \$3,000

46. MCQ-08784 **A**

Which of the following amounts represents an adjustment to adjusted gross income (AGI) for the current tax year?

- a. Child support paid to a former spouse pursuant to a divorce agreement executed in 2018.
- b. Child support paid to a former spouse pursuant to a divorce agreement executed in 2019.
- c. Alimony paid to a former spouse pursuant to a divorce agreement executed in 2019.
- d. Alimony paid to a former spouse pursuant to a divorce agreement executed in 2018.

47. MCQ-01999 ARE R02 #4 **A**

Mock operates a retail business selling illegal narcotic substances. Which of the following item(s) may Mock deduct in calculating business income?

- I. Cost of merchandise.
 - II. Business expenses other than the cost of merchandise.
- a. I only.
 - b. II only.
 - c. Both I and II.
 - d. Neither I nor II.

48. TAC Original **B**

Helen Chan received the following dividends :

- on common stock held in Wai Systems Ltd., a public company \$1,400
- on common stock held in WOW Cleaners, Inc., a private company owned 90% by Chan \$16,000
- on preferred stock held in Ace Airlines, Ltd., a public company \$500
- on Chan's life insurance policy from Good Life Insurance (Total dividends received have not exceeded accumulated premiums paid.) \$100

On Chan's income tax return, she should report dividend income of

- a. \$1,900
- b. \$17,400
- c. \$17,900
- d. \$18,000

49. TAC Original **A**

Mr. West must pay his former spouse \$20,000 annually under a divorce decree (executed in June 2018) in the following amounts:

- \$1,250 a month for tuition fees paid to a private school until their son attains the age of 18 or leaves the school prior to age 18
- \$5,000-a-year cash payment to the former Mrs. West
- In addition to the above amounts, the former Mrs. West also received a lump-sum amount of \$150,000 from the sale of their other marital assets

What is the amount of Mr. West's alimony deductions?

- a. \$20,000
- b. \$155,000
- c. \$8,000
- d. \$5,000

50. AC Original **A**

How do stock dividends received affect taxable income?

- a. By always increasing taxable income by the fair market value of the stock at the time of distribution.
- b. If all common shareholders receive preferred stock as a dividend.
- c. If the shareholder has an option to receive a dividend as either cash or stock.
- d. None of the above.

51. TAC Original **B**

Paula is a self-employed, **cash-method taxpayer**. During 20X3 she has the following transactions:

• Cash received for 20X3 services	\$120,000
• Cash received in 20X3 for year 20X2 services	\$20,000
• Cash received in 20X4, for year 20X3 services	\$10,000
• Salaries paid in 20X3	\$20,000
• Salaries accrued in 20X3, paid in 20X4	\$2,000
• Interest paid and incurred in 20X3	\$2,000
• Interest pre-paid in 20X3 for 20X4	\$1,000
• Other operating expenses incurred and paid for during 20X3	\$5,000

- 1) What is Paul's total business *income* during 20X3?
 - a. \$150,000
 - b. \$140,000
 - c. \$120,000
 - d. \$90,000
- 2) What are Paula's total business expenses during 20X3?
 - a. \$27,000
 - b. \$28,000
 - c. \$29,000
 - d. \$30,000

CORE : REG

直近10年分の AICPA リリース MC 問題のうち **PART I 第5章**に対応する問題は以下となる。

Released 2013 (p.123~) ⇒ **Q2, 12**
Released 2014 (p.130~) ⇒ **Q2**
Released 2015 (p.135~) ⇒ **Q8, 14, 20, 26**
Released 2016 (p.142~) ⇒ **Q13, 22**
Released 2017 (p.148~) ⇒ **Q21**
Released 2018 (p.154~) ⇒ **Q5, 16**
Released 2019 (p.159~) ⇒ **Q7, 25, 26**
Released 2020 (p.166~) ⇒ **Q24, 27**
Released 2021 (p.174~) ⇒ **Q7**
Released 2022 (p.181~) ⇒ **Q21**

6. Gross Income - Exclusions

問題編 (計10問)

CORE : REG Q 52-61

52. Becker Example A

Which of the following would **not** be includible in income?

- \$5,000 received from a radio station for winning a call in a contest.
- \$1,000 of interest income generated by a certificate of deposit.
- \$4,000 bonus received in recognition of outstanding performance in sales for the month.
- \$12,000 received from a foundation and used to pay for college tuition by a degree-seeking student.

53. Becker Example B

Michelle Keaton received the following during the current taxable year:

- | | |
|---|-----------|
| 1. Refund of previously deducted state income tax | \$ 1,500 |
| 2. Employee compensation | \$ 37,000 |
| 3. Interest from U.S. Treasury certificates | \$ 250 |
| 4. Proceeds from her mother's life insurance | \$ 20,000 |
| 5. Employer paid premiums on \$37,000 of life insurance | \$ 250 |
| 6. Employer reimbursement for graduate level courses | \$ 8,000 |

What amount must Michelle include in her gross income on Form 1040?

- \$41,500
- \$61,750
- \$37,250
- \$38,750

54. MCQ-01387 ARE R02 #10 A

Darr, an employee of Sorce C corporation, is not a shareholder. Which of the following would be included in a taxpayer's gross income?

- Employer-provided medical insurance coverage under a health plan.
- A \$10,000 gift from the taxpayer's grandparents.
- The fair market value of land that the taxpayer inherited from an uncle.
- The dividend income on shares of stock that the taxpayer received for services rendered.

55. MCQ-01442 ARE R99 #1 A

During the current year, Ash had the following cash receipts:

Wages	\$13,000
Interest income from U.S. Treasury bonds	350
Workers' compensation following a job related injury	8,500

What is the total amount that must be included in gross income on Ash's current year income tax return?

- \$13,000
- \$13,350
- \$21,500
- \$21,850

56. MCQ-01482 ARE R97 #1 **A**

Klein, a master's degree candidate at Briar University, was awarded a \$12,000 scholarship from Briar in Year 1. The scholarship was used to pay Klein's Year 1 university tuition and fees. Also in Year 1, Klein received \$5,000 for teaching two courses at a nearby college. What amount is includible in Klein's Year 1 gross income?

- a. \$0
- b. \$5,000
- c. \$12,000
- d. \$17,000

57. MCQ-01485 ARE May 95 #1 **A**

Which payment(s) is(are) included in a recipient's gross income?

- I. Payment to a graduate assistant for a part-time teaching assignment at a university. Teaching is not a requirement toward obtaining the degree.
 - II. A grant to a Ph.D. candidate for his participation in a university-sponsored research project for the benefit of the university.
- a. I only.
 - b. II only.
 - c. Both I and II.
 - d. Neither I nor II.

58. MCQ-01794 Nov 87 II #8 **A**

Under a \$150,000 insurance policy on her deceased father's life, May Green is to receive \$12,000 per year for 15 years. Of the \$12,000 received in current year, the amount subject to income tax is:

- a. \$0
- b. \$1,000
- c. \$2,000
- d. \$12,000

59. TAC Original **A**

Unrealized income is not included in taxable income for which of the following:

- I. Cash method taxpayers
 - II. Accrual method taxpayers
- a. I only
 - b. II only
 - c. I and II
 - d. Neither I nor II (it is taxable to both of them)

60. TAC Original **A**

Keiko receives a scholarship to study at the University of Nevada. The scholarship, based on academic achievement, pays \$2,000 towards tuition fees and \$1,000 towards accommodation in the university dormitory. How much of the scholarship must Keiko include in her Adjusted Gross Income?

- a. \$3,000
- b. \$2,000
- c. \$1,000
- d. None. Scholarships are not taxable.

61. TAC Original **B**

Ichiban Corporation has a group life insurance policy, which it offers to all employees, based on their current salary. Ichiban corporation provides Julia (age 31) with a group life insurance policy, valued at \$100,000. The life insurance premium for each \$1,000 of group term life insurance for someone aged 30 to 34 is \$0.08 per month. How much must Julia include in her Adjusted Gross Income as a result of this life insurance policy?

- a. \$48
- b. \$96
- c. \$4
- d. \$0

CORE : REG

直近10年分の AICPA リリース MC 問題のうち
PART I 第6章に対応する問題は以下となる。

Released 2013 (p.123~) ⇒ **Q3**

Released 2017 (p.148~) ⇒ **Q20**

Released 2019 (p.159~) ⇒ **Q24**

Released 2020 (p.166~) ⇒ **Q8**

7. Depreciation, Amortization, and Depletion

問題編 (計6問)

CORE : REG Q 62~67

62. MCQ-02032 **A**

Which of the following conditions must be satisfied for a taxpayer to expense, in the year of purchase, under Internal Revenue Code Section 179, the cost of new or used tangible depreciable personal property?

- I. The property must be purchased for use in the taxpayer's active trade or business.
 - II. The property must be purchased from an unrelated party.
- a. I only.
 - b. II only.
 - c. Both I and II.
 - d. Neither I nor II.

63. Becker Example **A**

Browne, a self-employed taxpayer, had 2022 business net income of \$100,000 prior to any expense deduction for equipment purchases. In 2022, Browne purchased and placed into service, for business use, office equipment (5-year MACRS property) costing \$30,000. This was Browne's only 2022 capital expenditure. Browne made a proper and timely expense election to deduct the maximum amount under code Sec. 179. Browne elected out of all applicable bonus depreciation allowances. Browne was not a member of any pass through entity. What is Browne's deduction under the Sec.179 election?

- a. \$6,000
- b. \$10,000
- c. \$25,000
- d. \$30,000

64. MCQ-02058 ARE May 95 #5 **A**

On August 1, Year 1, Graham purchased and placed into service an office building costing \$264,000 including \$30,000 for the land. What was Graham's MACRS deduction for the office building in Year 1?

- a. \$9,600
- b. \$6,000
- c. \$3,600
- d. \$2,250

65. MCQ-05549 Released 2007 **A**

Rock Crab, Inc. purchases the following assets during the year:

Computer	\$3,000
Computer desk	1,000
Office furniture	4,000
Delivery van	25,000

What should be reported as the cost basis for MACRS five-year property?

- a. \$3,000
- b. \$25,000
- c. \$28,000
- d. \$33,000

66. MCQ-02195 May 91 II #50 **A**

Under the modified accelerated cost recovery system (MACRS) of depreciation for property placed in service after 1986:

- a. Used tangible depreciable property is excluded from the computation.
- b. Salvage value is ignored for purposes of computing the MACRS deduction.
- c. No type of straight-line depreciation is allowable.
- d. The recovery period for depreciable realty must be 27.5 years.

67. TAC Original **A**

ABC Corporation places a number of personal assets into service during the current year, as follows:

Date Placed into Service	Acquisition Cost
January 15	\$200,000
April 10	\$100,000
August 5	\$300,000
October 1	\$500,000

Which depreciation convention will ABC Corporation use to depreciate these assets:

- a. The half-year convention
- b. The mid-quarter convention
- c. The mid-month convention
- d. The mid-day convention

CORE : REG

直近10年分のAICPAリリースMC問題のうち
PART I 第7章に対応する問題は以下となる。

Released 2017 (p.148~) ⇒ **Q4, 18**

Released 2020 (p.166~) ⇒ **Q22**

8. Losses – Deductions and Limitations

問題編 (計15問)

CORE : REG Q68~73 TCP Q74~82

68. MCQ-04858 **A**

Marsha and Brad, married taxpayers filing jointly, had the following transactions during Year 9:

Gain on sale of stock purchased	
in Year 1 and sold in June Year 9	\$ 3,000
Ordinary income from employers	\$80,000
Loss on sale of stock purchased in January	
Year 9 and sold in March Year 9	\$20,000

What is the amount of the capital loss carryover to Year 10?

- a. \$0
- b. \$20,000
- c. \$14,000
- d. \$17,000

69. MCQ-04863 **A**

Judy and Kevin Kales had the following stock sales during the current year:

	<u>Gross Proceeds</u>	<u>Basis</u>
Crispy Crunch, Inc.	\$4,000	\$5,000
Summer Solstice, Inc.	\$3,500	\$3,000
Sealy & Sealy, Inc.	\$2,000	\$10,000

Each stock was held for over 12 months. What amount should be reported on their current year tax return for capital gain/loss?

- a. \$0
- b. \$500 income
- c. \$3,000 loss
- d. \$8,500 loss

70. MCQ-01662 ARE Nov 95 #6 **A**

Capital assets include:

- a. A corporation's accounts receivable from the sale of its inventory.
- b. Seven-year MACRS property used in a corporation's trade or business.
- c. A manufacturing company's investment in U.S. Treasury bonds.
- d. A corporate real estate developer's unimproved land that is to be subdivided to build homes, which will be sold to customers.

71. MCQ-02061 PII Nov 92 **A**

Platt owns land that is operated as a parking lot. A shed was erected on the lot for the related transactions with customers. With regard to capital assets and Section 1231 assets, how should these assets be classified?

	<u>Land</u>	<u>Shed</u>
a. Capital	Capital	Capital
b. Section 1231	Section 1231	Capital
c. Capital	Section 1231	Section 1231
d. Section 1231	Section 1231	Section 1231

72. MCQ-01876 PII Nov 92 #15 **A**

Lee qualified as head of a household for Year 9 tax purposes. Lee's Year 9 taxable income was \$100,000, exclusive of capital gains and losses. Lee had a net long-term capital loss of \$8,000 in Year 9. What amount of this capital loss can Lee offset against Year 9 ordinary income?

- \$0
- \$3,000
- \$4,000
- \$8,000

73. MCQ-07176 Released 2012 **A**

A taxpayer lived in an apartment building and had a two-year lease that began 16 months ago. The taxpayer's landlord wanted to sell the building and offered the taxpayer \$10,000 to vacate the apartment immediately. The taxpayer's lease on the apartment was a capital asset but had no tax basis. If the taxpayer accepted the landlord's offer, the gain or loss would be which of the following?

- An ordinary gain.
- A short-term capital loss.
- A long-term capital gain.
- A short-term capital gain.

CORE : REG

直近10年分の AICPA リリース MC 問題のうち **PART I 第8章** に対応する問題は以下となる。

- Released 2013** (p.123~) ⇒ **Q8**
Released 2014 (p.130~) ⇒ **Q4**
Released 2017 (p.148~) ⇒ **Q17**
Released 2018 (p.154~) ⇒ **Q18**
Released 2019 (p.159~) ⇒ **Q27**
Released 2022 (p.181~) ⇒ **Q6, 8**

※Q74~82は、**TCP**の出題範囲となる予定です。

74. MCQ-07175 Released 2012 **B**

On February 1, Year 1, a taxpayer purchased an option to buy 1,000 shares of XYZ Co. for \$200 per share. The taxpayer purchased the option for \$50,000, which was to remain in effect for six months. The market declined, and the taxpayer let the option lapse on August 1, Year 1. The taxpayer would report which of the following as a capital loss on the year 1 income tax return?

- \$50,000 long term.
- \$50,000 short term.
- \$150,000 long term.
- \$200,000 short term.

75. MCQ-01859 May 91 II #21 **A**

For a cash basis taxpayer, gain or loss on a year-end sale of listed stock arises on the:

- Trade date.
- Settlement date.
- Date of receipt of cash proceeds.
- Date of delivery of stock certificate.

76. MCQ-01991 ARE R03 #1 **B**

Jackson, a single individual, inherited Bean Corp. common stock from Jackson's parents. Bean is a qualified small business corporation under Code Sec. 1244. The stock cost Jackson's parents \$20,000 and had a fair market value of \$25,000 at the parents' date of death. During the year, Bean declared bankruptcy and Jackson was informed that the stock was worthless.

What amount may Jackson deduct as an ordinary loss in the current year?

- \$0
- \$3,000
- \$20,000
- \$25,000

77. TAC Original **A**

Mary owns corporate stock which becomes worthless during the current year. What date is used to determine the nature of the loss on the securities?

- a. The date the corporation became bankruptcy.
- b. The date of the stock purchase.
- c. The first day of the tax year.
- d. The last day of the tax year.

78. Becker Example **C**

Which of the following is **not** an example of a passive activity?

- a. Jon and Mark each own 50% of a general partnership and both work in the business as their sole source of income.
- b. Mark also owns an interest in a limited partnership which owns rental real estate; although, he does not materially participate in the partnership.
- c. Jon rents out his second home and does not materially participate in the management.
- d. Mark and Karen (Mark's wife) rent out two single-family homes. Karen is a real estate professional; however, she only works part-time and spent 500 hours in rental activities during the tax year.

79. MCQ-01811 May 91 II #22 **B**

Cobb, an unmarried individual, had an adjusted gross income of \$200,000 in the current year before any IRA deduction, taxable Social Security benefits, or passive activity losses. Cobb incurred a loss of \$30,000 in the current year from rental real estate in which he actively participated. What amount of loss attributable to this rental real estate can be used in the current year as an offset against income from nonpassive sources?

- a. \$0
- b. \$12,500
- c. \$25,000
- d. \$30,000

80. MCQ-01831 May 91 II #44 **A**

The rule limiting the allowability of passive activity losses and credits applies to:

- a. Partnerships.
- b. S corporations.
- c. Personal service corporations.
- d. Widely-held C corporations.

81. TAC Original **B**

Which of the following is not classified as a passive activity income?

- a. Business income from shares in a limited partnership.
- b. Interest income of passive activity.
- c. Rental income (except real estate professionals).
- d. Business income without material participation.

82. TAC Original **A**

Which of the following is true regarding unused passive losses?

- a. They may be carried forward for 5 years.
- b. They may be carried forward for 20 years.
- c. They may be carried back or carried forward indefinitely.
- d. They may be carried forward only indefinitely.

TCP

直近10年分のAICPAリリースMC問題のうちPARTI第8章に対応する問題は以下となる。

Released 2013 (p.123~) ⇒ **Q13, 17, 21, 23**

Released 2014 (p.130~) ⇒ **Q18, 19**

Released 2015 (p.135~) ⇒ **Q24**

Released 2016 (p.142~) ⇒ **Q23**

Released 2017 (p.148~) ⇒ **Q8, 22**

Released 2018 (p.154~) ⇒ **Q6**

Released 2019 (p.159~) ⇒ **Q4**

Released 2020 (p.166~) ⇒ **Q10**

Released 2021 (p.174~) ⇒ **Q9, 22**

Released 2022 (p.181~) ⇒ **Q23**

9. Above The Line Deductions

問題編 (計14問)

CORE : REG Q 83-96

83. (1) MCQ-04857 **B**

Mr. and Mrs. Williams decided during the tax year to purchase their first new home. The fair market value of the home was \$275,000, and a 20% down payment was required to secure a mortgage in the amount of \$220,000 at 5% for 30 years. The Williams' decided to utilize \$10,000 that was kept in an Individual Retirement Account owned by Mrs. Williams. This amount was withdrawn on June 12 and used to fund the down payment on July 1. These amounts had been previously deducted as an adjustment by her on an individual tax return in the year of contribution. The remaining \$12,000 for the down payment was drawn from a savings account. How much of the distribution from the Individual Retirement Account is subject to the premature distribution penalty tax, and how much must be included in the Williams' joint tax return in the year of distribution as gross income?

	<u>Penalty Tax</u>	<u>Gross Income</u>
a.	\$ 0	\$ 0
b.	\$ 0	\$ 10,000
c.	\$ 10,000	\$ 0
d.	\$ 10,000	\$ 10,000

83. (2) MCQ-06008 Released 2009 **B**

A 33-year-old taxpayer withdrew \$30,000 (pretax) from a traditional IRA. The taxpayer has a 33% effective tax rate and a 35% marginal tax rate. What is the total tax liability associated with the withdrawal?

- a. \$10,000
- b. \$10,500
- c. \$13,000
- d. \$13,500

84. MCQ-01815 May 91 II #26 **A**

Dale received \$1,000 in the current year for jury duty. In exchange for regular compensation from her employer during the period of jury service, Dale was required to remit the entire \$1,000 to her employer in this year. In Dale's current year income tax return, the \$1,000 jury duty fee should be:

- a. Claimed in full as an itemized deduction.
- b. Excluded from Dale's tax return.
- c. Deducted from gross income in arriving at adjusted gross income.
- d. Included in taxable income without a corresponding offset against other income.

85. MCQ-14720 Released 2008 **B**

For the current year, a self-employed taxpayer had gross income of \$57,000. The taxpayer paid self-employment tax of \$8,000, health insurance of \$6,000, and \$5,000 of alimony for a divorce finalized in 2017. The taxpayer also contributed \$2,000 to a traditional IRA. What is the taxpayer's adjusted gross income for the current year?

- a. \$55,000
- b. \$50,000
- c. \$46,000
- d. \$40,000

86. MCQ-01960 ARE May 94 #6 **A**

The self-employment tax is:

- a. Fully deductible as an itemized deduction.
- b. Fully deductible in determining net income from self-employment.
- c. Partially deductible from gross income in arriving at adjusted gross income.
- d. Not deductible.

87. MCQ-04855 **A**

Ben Flood, Attorney at Law, is a sole proprietor and files Schedule C with his federal Form 1040.

Which of the following is not a deductible expense on Schedule C?

- a. \$30 business tax payable to the city in which he practices.
- b. Salaries paid to the paralegal that works for him.
- c. Health insurance for him and his family.
- d. Depreciation on the computer used by his assistant.

88. MCQ-15448 **A**

For 2022, Val and Pat White (both under age 50) filed a joint return. Val earned \$40,000 in wages and was covered by his employer's qualified pension plan. Pat was unemployed and received \$5,000 in alimony payments (from a divorce agreement executed in 2017) for the first 4 months of the year before remarrying. The couple had no other income. Each contributed \$6,000 to an IRA account. The allowable IRA deduction on their 2022 joint tax return is:

- a. \$12,000
- b. \$6,000
- c. \$1,000
- d. \$0

89. MCQ-02002 PII Nov 93 #27 **A**

Which allowable deduction can be claimed in arriving at an individual's adjusted gross income?

- a. Alimony payment pursuant to a divorce settlement executed on or before 12/31/2018.
- b. Charitable contribution.
- c. Personal casualty loss.
- d. Unreimbursed business expense of an outside salesperson.

90. MCQ-12113 **C**

Davis, a sole proprietor with no employees, has a SEP IRA plan to which he may contribute and deduct 20% of his annual earned income. For this purpose, "earned income" is defined as net self-employment earnings reduced by the:

- a. Self-employment tax.
- b. Self-employment tax and one-half of the deductible SEP IRA contribution.
- c. Deductible SEP IRA contribution.
- d. One-half of the self-employment tax.

91. MCQ-02009 PII Nov 93 #35 **B**

During the year, Barlow moved from Chicago to Miami to start a new job, incurring costs of \$1,200 to move household goods and \$2,500 in temporary living expenses. Barlow was not reimbursed for any of these expenses. What amount should Barlow deduct as itemized deduction for moving expense?

- a. \$0
- b. \$2,700
- c. \$3,000
- d. \$3,700

92. MCQ-04884 (Changed) □□ A

Which of the following is *not* an adjustment to arrive at adjusted gross income?

- Self-employed health insurance.
- Sales tax paid.
- Educator expenses.
- Self-employed FICA (50%).

93. Becker Example □□ A

For 2022, Kevin and Kelly Wood (both under age 50) intend to file a joint return. Kevin will earn \$50,000 in wages and is covered by his employer's pension plan. Kelly is a stay-at-home mom and volunteered for the local Red Cross. The couple had \$1,000 of other taxable interest income. Each contributed \$6,000 to an Individual Retirement Account. The allowable IRA deduction on their 2022 joint tax return will be:

- \$6,000 for Kevin.
- \$12,000.
- \$6,000 for Kelly.
- \$0.

94. MCQ-15610 Released 2006 □□ A

In the current year, an unmarried individual with modified adjusted gross income of \$25,000 paid \$1,000 interest on a qualified education loan entered into on July 1. How may the individual treat the interest for income tax purposes?

- As a \$500 deduction to arrive at AGI for the year.
- As a \$1,000 deduction to arrive at AGI for the year.
- As a \$1,000 itemized deduction.
- As a nondeductible item of personal interest.

95. Released 2006 □□ B

A calendar-year individual is eligible to contribute to a deductible IRA. The taxpayer obtained a six-month extension to file until October 15 but did not file the return until November 1. What is the latest date that an IRA contribution can be made in order to qualify as a deduction on the prior year's return?

- October 15.
- April 15.
- August 15.
- November 1.

96. TAC Original □□ A

Terry Walters (age 58), a single woman, earned a salary of \$75,000 in 2022 working for Covac Company. For 2022, Walters was covered by Covac's qualified pension plan for employees. Walters also received \$5,000 in dividends and earned net business income of \$7,500 from her quilting business. The maximum amount that Walters can deduct in 2022 for contributions to an individual retirement account (IRA) is

- \$0
- \$5,000
- \$6,000
- \$7,000

CORE : REG

直近10年分のAICPAリリースMC問題のうち
PARTI 第9章に対応する問題は以下となる。

Released 2017 (p.148~) ⇒ **Q6**

10. Below The Line Deductions

問題編 (計48問)

CORE : REG Q 97~144

97. MCQ-02011 PII Nov 91 #21 **B**

Which of the following requirements must be met in order for a single individual to qualify for the additional standard deduction?

	<u>Must support dependent child or aged parent</u>	<u>Must be age 65 or older or blind</u>
a.	Yes	Yes
b.	No	No
c.	Yes	No
d.	No	Yes

98. ARE R99 #2 **B**

Baum, an unmarried optometrist and sole proprietor of Optics, buys and maintains a supply of eyeglasses and frames to sell in the ordinary course of business. In the current year, Optics had \$350,000 in gross business receipts and its year-end inventory was not subject to the uniform capitalization rules. Baum's current year adjusted gross income was \$90,000 and Baum qualified to itemize deductions. During the year, Baum recorded the following information:

Business expenses:

Optics cost of goods sold	\$35,000
Optics rent expense	28,000
Liability insurance premium on Optics	5,250

Other expenditures:

Baum's self-employment tax	\$29,750
Baum's self-employment health insurance	8,750
Insurance premium on personal residence.	

In the current year, Baum's home was totally destroyed by fire. The furniture had an adjusted basis of \$14,000 and a fair market value of \$11,000. During the year, Baum collected \$3,000 in insurance reimbursement and had no casualty gains during the year. 2,625

Qualified mortgage interest on a loan secured in 2016 to acquire a personal residence	52,500
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Annual interest on a \$70,000, 5-year home equity loan. The loan was secured by Baum's home, obtained January 2 of the current year. The fair market value of the home exceeded the mortgage and the home equity loan by a substantial amount.

The proceeds were used to purchase a car for personal use.	3,500
Points prepaid on January 2 of the current year to acquire the home equity loan	1,400
Real estate taxes on personal residence	2,200
Estimated payments of current year federal income taxes	13,500
Local property taxes on the car value, used exclusively for personal use	300

What amount should Baum report as current year net earnings from self-employment?

- a. \$243,250
- b. \$252,000
- c. \$273,000
- d. \$281,750

99. MCQ-01479 ARE R98 #3 **A**

On December 1 of the current taxable year, Krest, a self-employed cash basis taxpayer, borrowed \$200,000 to use in her business. The loan was to be repaid on November 30 of the following year. Krest paid the entire interest amount of \$24,000 on December 1 of the current year. What amount of interest was deductible on Krest's current year income tax return?

- a. \$0
- b. \$2,000
- c. \$22,000
- d. \$24,000

100. MCQ-14724 ARE R03 #2 **B**

Smith, a single individual, made the following charitable contributions during the current year. Smith's adjusted gross income is \$60,000.

- Donation to Smith's church \$5,000
- Art work donated to the local art museum (Smith purchased it for \$2,000 four months ago and a local art dealer appraised it for) 3,000
- Contribution to a needy family 1,000

What amount should Smith deduct as a charitable contribution?

- a. \$5,000
- b. \$7,000
- c. \$8,000
- d. \$9,000

101. ARE R02 #1 **A**

Carroll, a 35 year old unmarried taxpayer with an adjusted gross income of \$100,000, incurred and paid the following unreimbursed medical expenses:

- Doctor bills resulting from a serious fall \$5,000
- Cosmetic surgery that was necessary to correct a congenital deformity 15,000

Carroll had no medical insurance. For regular income tax purposes, what was Carroll's maximum allowable medical expense deduction, after the applicable threshold limitation (assuming the AGI floor is 7.5% in the current year), for the year?

- a. \$0
- b. \$12,500
- c. \$15,000
- d. \$20,000

102. MCQ-01926 ARE R01 #1 **A**

Taylor, an unmarried taxpayer, had \$90,000 in adjusted gross income for the current year. During the current year, Taylor donated land to a church and made no other contributions. Taylor purchased the land 15 years ago as an investment for \$14,000. The land's fair market value was \$25,000 on the day of the donation. What is the maximum amount of charitable contribution that Taylor may deduct as an itemized deduction for the land donation for the current year?

- a. \$25,000
- b. \$14,000
- c. \$11,000
- d. \$0

103. MCQ-01930 ARE R99 #8 **A**

Stein, an unmarried taxpayer, had adjusted gross income of \$80,000 for the year, and qualified to itemize deductions. Stein had no charitable contribution carryovers and only made one contribution during the year. Stein donated stock, purchased seven years earlier for \$17,000, to a tax-exempt educational organization. The stock was valued at \$25,000 when it was contributed. What is the amount of charitable contributions deductible on Stein's current year income tax return?

- a. \$17,000
- b. \$21,000
- c. \$24,000
- d. \$25,000

104. MCQ-01934 ARE R98 (Adapted) A

Jackson owns two residences. The second residence, which has never been used for rental purposes, is the only residence that is subject to a mortgage. The following expenses were incurred for the second residence in the current year:

Mortgage interest	\$5,000
Utilities	\$1,200
Hazard insurance	\$6,000

For regular income tax purposes, what is the maximum amount allowable as a deduction for Jackson's second residence in the current year?

- \$6,200 in determining adjusted gross income.
- \$11,000 in determining adjusted gross income.
- \$5,000 as an itemized deduction.
- \$12,200 as an itemized deduction.

105. MCQ-01936 ARE R97 (Adapted) A

During the current year, Wood's residence had an adjusted basis of \$150,000 and it was destroyed by a tornado. The location was a federally declared disaster area. An appraiser valued the decline in market value at \$175,000. Later in the current year, Wood received \$130,000 from his insurance company for the property loss and did not elect to deduct the casualty loss in an earlier year. Wood's current year adjusted gross income was \$60,000 and he did not have any casualty gains.

What total amount can Wood deduct as a current year itemized deduction for casualty loss, after the application of the threshold limitations?

- \$25,000
- \$20,000
- \$19,900
- \$13,900

106. MCQ-15613 ARE May 95 (Adapted) B

Moore, a single taxpayer, had \$50,000 in adjusted gross income for the year. During the year she contributed \$18,000 to her church. She had a \$10,000 charitable contribution carryover from her prior year church contribution. What was the maximum amount of properly substantiated charitable contributions that Moore could claim as an itemized deduction for the current year?

- \$10,000
- \$18,000
- \$25,000
- \$28,000

107. MCQ-01951 ARE May 95 #8 A

Matthews was a cash basis taxpayer whose records showed the following:

20X1 state and local income taxes withheld	\$1,500
20X1 state estimated income taxes paid December 30, 20X1	400
20X1 federal income taxes withheld	2,500
20X1 state and local income taxes paid April 17, 20X2	300

What total amount was Matthews entitled to claim for taxes on her 20X1 Schedule A of Form 1040?

- \$4,700
- \$2,200
- \$1,900
- \$1,500

108. MCQ-01953 ARE May 95 (Adapted) A

In the current year, Joan Frazer's residence was totally destroyed by a hurricane. It was located in a federally declared disaster area. The property had an adjusted basis and a fair market value of \$130,000 before the hurricane. During the year, Frazer received insurance reimbursement of \$120,000 for the destruction of her home. Frazer's current year adjusted gross income was \$70,000. Frazer had no casualty gains during the year. What amount of the storm loss was Frazer entitled to claim as an itemized deduction on her current year tax return?

- a. \$2,900
- b. \$8,500
- c. \$8,600
- d. \$10,000

109. MCQ-01956 ARE May 95 (Adapted) B

Tom and Sally White, married and filing joint income tax returns, derive their entire income from the operation of their retail stationery shop. Their 20X1 adjusted gross income was \$100,000. The Whites itemized their deductions on Schedule A for 20X1. The following unreimbursed cash expenditures were among those made by the Whites during 20X1:

Repair and maintenance of motorized wheelchair for physically handicapped dependent child	\$ 600
Tuition, meals, and lodging at special school for physically handicapped dependent child in an institution primarily for the availability of medical care, with meals and lodging furnished as necessary incidents to that care	8,000

Without regard to the adjusted gross income percentage threshold, what amount may the Whites claim in their 20X1 return as qualifying medical expenses?

- a. \$8,600
- b. \$8,000
- c. \$600
- d. \$0

110. MCQ-01968 ARE May 94 (Adapted) A

The deduction by an individual taxpayer for interest on investment indebtedness is:

- a. Limited to the investment interest paid during the year.
- b. Limited to the taxpayer's interest income for the year.
- c. Limited to the taxpayer's net investment income for the year.
- d. Not limited.

111. MCQ-01979 ARE May 94 #10 A

In the current year, the Browns borrowed \$20,000, secured by their home, to pay their son's medical expenses. At the time of the loan, the fair market value of their home was \$400,000, and it was unencumbered by other debt. The interest on the loan qualifies as:

- a. Deductible personal interest.
- b. Deductible qualified residence interest.
- c. Nondeductible interest.
- d. Investment interest expense.

112. MCQ-01986 ARE May 94 (Adapted) A

On January 2, Year 1, the Philips paid \$50,000 cash and obtained a \$200,000 mortgage to purchase a home. In Year 4 they borrowed \$15,000 secured by their home, and used the cash to add a new room to their residence. That same year they took out a \$5,000 auto loan. The following information pertains to interest paid in Year 4:

Mortgage interest	\$17,000
Interest on room construction loan	1,500
Auto loan interest	500

For Year 4, how much interest is deductible?

- a. \$17,000
- b. \$17,500
- c. \$18,500
- d. \$19,000

113. MCQ-02001 ARE May 94 (Adapted) B

In 20X1, Wells paid the following expenses:

Premiums on an insurance policy against loss of earnings due to sickness or accident	\$3,000
Physical therapy after spinal surgery	2,000
Premium on an insurance policy that covers reimbursement for the cost of prescription drugs	500

In 20X1, Wells recovered \$1,500 of the \$2,000 that she paid for physical therapy through insurance reimbursement from a group medical policy paid for by her employer. Disregarding the adjusted gross income percentage threshold, what amount could be claimed on Wells' 20X1 income tax return for medical expenses?

- \$4,000
- \$3,500
- \$1,000
- \$500

114. MCQ-02005 PII Nov 93 (Adapted) A

Spencer, who itemizes deductions, had adjusted gross income of \$60,000 in 20X1. The following additional information is available for 20X1:

Cash contribution to church	\$4,000
Purchase of art object at church bazaar (with a fair market value of \$800 on the date of purchase)	1,200
Donation of used clothing to Salvation Army (fair value evidenced by receipt received)	600

What is the maximum amount Spencer can claim as a deduction for charitable contributions in 20X1?

- \$5,400
- \$5,200
- \$5,000
- \$4,400

115. MCQ-02006 PII Nov 93 (Adapted) A

Charitable contributions subject to the 60-percent limit that are not fully deductible in the year made may be:

- Neither carried back nor carried forward.
- Carried back two years or carried forward twenty years.
- Carried forward five years.
- Carried forward indefinitely until fully deducted.

116. MCQ-02007 PII Nov 93 #33 B

In Year 10, Farb, a cash basis individual taxpayer, received an \$8,000 invoice for personal property taxes. Believing the amount to be overstated by \$5,000, Farb paid the invoiced amount under protest and immediately started legal action to recover the overstatement. In November, Year 11, the matter was resolved in Farb's favor, and he received a \$5,000 refund. Farb itemizes his deductions on his tax returns.

Which of the following statements is correct regarding the deductibility of the property taxes?

- Farb should deduct \$8,000 in his Year 10 income tax return and should report the \$5,000 refund as income in his Year 11 income tax return.
- Farb should not deduct any amount in his Year 10 income tax return and should deduct \$3,000 in his Year 11 income tax return.
- Farb should deduct \$3,000 in his Year 10 income tax return.
- Farb should not deduct any amount in his Year 10 income tax return when originally filed, and should file an amended Year 10 income tax return in Year 11.

117. Released 2005 **A**

In the current year, Drake, a disabled taxpayer, made the following home improvements:

	<u>Cost</u>
Pool installation, which qualified as a medical expense and increased the value of the home by \$25,000	\$100,000
Widening doorways to accommodate Drake's wheelchair (the improvement did not increase the value of his home)	10,000

Without regard to the adjusted gross income percentage threshold limitation, what maximum amount would be allowable as a medical expense deduction in the current year?

- \$110,000
- \$85,000
- \$75,000
- \$10,000

118. MCQ-04757 Released 2005 **B**

Smith paid the following unreimbursed medical expenses:

Dentist and eye doctor fees	\$5,000
Contact lenses	500
Facial cosmetic surgery to improve Smith's personal appearance (surgery is unrelated to personal injury or congenital deformity)	10,000
Premium on disability insurance policy to pay him if he is injured and unable to work	2,000

What is the total amount of Smith's tax-deductible medical expenses before the adjusted gross income limitation?

- \$17,500
- \$15,500
- \$7,500
- \$5,500

119. MCQ-06910 Released 2011 **A**

Doyle has gambling losses totaling \$7,000 during the current year. Doyle's adjusted gross income is \$60,000, including \$3,000 in gambling winnings.

Doyle can itemize the deductions. What amount of gambling losses is deductible?

- \$0
- \$3,000
- \$5,800
- \$7,000

120. Becker Example **B**

During the year, the Andradis, who were both under age 65, paid the following expenses:

Unreimbursed costs for prescription drugs required for their dependent daughter's medical condition	\$ 1,300
Mrs. Andradis' face lift	\$ 4,000
Physical therapy for their dependent son's soccer injury	\$ 3,000
Massage therapy fees at Mr. Andradis' health club obtained because he enjoys massages	\$ 500

The Andradis' adjusted gross income for the current year was \$65,000. What amount could be claimed on the Andradis' current year tax return for medical expenses (after the 7.5% of AGI limitation)?

- \$0
- \$1,300
- \$4,875
- \$4,300

121. MCQ-14730 **A**

For the current year, the Stevensons are filing married filing joint, and their adjusted gross income was \$58,250. Additional information is as follows:

Interest paid on their home mortgage	\$5,200
State income taxes paid	\$2,000
Medical expenses in excess of 7.5% AGI	\$1,500
Deductible contributions to IRAs	\$4,000
Alimony paid to Mr. Stevenson's first wife (divorce finalized in 2015)	\$5,000
Child support paid for Mr. Stevenson's daughter	\$5,100

What amount may the Stevensons claim as itemized deductions on their current year Schedule A?

- a. \$7,200
- b. \$8,700
- c. \$12,300
- d. \$22,800

122. MCQ-04888 **B**

During the current year, Tarbet's residence was destroyed by a hurricane and a federal disaster was declared for the area. Tarbet's basis in the property was \$150,000. The fair market value determined by an appraiser shortly before the hurricane was \$450,000. In November of the current year, Tarbet received \$300,000 from the insurance company. Tarbet's adjusted gross income was \$75,000 and they did not have any casualty gains during the year. What total amount can Tarbet deduct as a current year casualty loss itemized deduction, after the application of the threshold limitations?

- a. \$0
- b. \$75,000
- c. \$142,400
- d. \$450,000

123. Becker Example **B**

Mr. and Mrs. Miller (age 67 and age 40 at year end), a married couple with one dependent child, will file a joint tax return in 2022. They have adjusted gross income of \$75,000. Following is additional information:

Medical expenses (after application of AGI limitation)	\$1,875
Home mortgage interest	\$8,000
Real estate taxes on principal residence	\$2,500
State income taxes paid	\$4,000
Standard deduction	\$25,900
Additional standard deduction	\$1,400

The Millers' wish to minimize their income tax.

What is the Miller's 2022 taxable income?

- a. \$31,325
- b. \$47,700
- c. \$49,100
- d. \$58,625

※ USCPA試験では、上記の問題のように、Standard deductionの金額は与えられる。

124. MCQ-05265 Released 2006 **B**

The Rites are married, file a joint income tax return, and qualify to itemize their deductions in the current year. Their adjusted gross income for the year was \$55,000, and during the year they paid the following taxes:

Real estate tax on personal residence	\$2,000
Ad valorem tax on personal automobile	500
Current-year state and city income taxes withheld from paycheck	1,000

What total amount of the expense should the Rites claim as an itemized deduction on their current-year joint income tax return?

- a. \$1,000
- b. \$2,500
- c. \$3,000
- d. \$3,500

125. PII Nov 93 (Adapted) B

Poole is 45 years old and unmarried. Assume that he is subject to a 12% tax bracket. He had adjusted gross income of \$30,000. Assume a 7.5% AGI floor for medical expenses. The following information applies to Poole:

Medical expenses	\$16,000
Standard deduction	12,950

Poole wishes to minimize his income tax. What is Poole's total income tax?

- \$3,000
- \$1,845
- \$1,950
- \$1,350

126. MCQ-02110 Nov 90 II #33 A

Which one of the following expenditures qualifies as a deductible medical expense for tax purposes?

- Vitamins for general health not prescribed by a physician.
- Health club dues.
- Transportation to physician's office for required medical care.
- Mandatory employment taxes for basic coverage under Medicare A.

127. MCQ-02113 May 91 II #27 B

For regular tax purposes, with regard to the itemized deduction for qualified residence interest, home equity indebtedness incurred during a year:

- Includes acquisition indebtedness secured by a qualified residence.
- May exceed the fair market value of the residence.
- Must exceed the taxpayer's net equity in the residence.
- Is only deductible when used to buy, build, or substantially improve the taxpayer's home that secures the loan.

128. MCQ-02118 May 91 II #31 A

During the year, Scott charged \$4,000 on his credit card for his dependent son's medical expenses. Payment to the credit card company had not been made by the time Scott filed his income tax return in the following year. In addition, in the current year, Scott paid a physician \$2,800 for the medical expenses of his wife, who died in the prior year. Disregarding the adjusted gross income percentage threshold, what amount could Scott claim in his current year income tax return for medical expenses?

- \$0
- \$2,800
- \$4,000
- \$6,800

129. MCQ-14723 Released 2012 B

Which of the following statements is correct regarding the deductibility of an individual's medical expenses?

- A medical expense paid by credit card is deductible in the year the credit card bill is paid.
- A medical expense deduction is allowed for payments made in the current year for medical services received in earlier years.
- A medical expense deduction is allowed for vitamins and supplements.
- A medical expense deduction is **not** allowed for Medicare insurance premiums.

130. MCQ-07181 Released 2012 A

An individual taxpayer earned \$10,000 in investment income, \$8,000 in noninterest investment expenses, and \$5,000 in investment interest expense. How much is the taxpayer allowed to deduct on the current-year's tax return for investment interest expenses?

- \$0
- \$2,000
- \$3,000
- \$5,000

131.

Alex and Myra Burg, married and filing joint income tax returns, derive their entire income from the operation of their retail candy shop. Their adjusted gross income was \$50,000. The Burgs itemized their deductions on Schedule A. The following unreimbursed cash expenditures were among those made by the Burgs during the year:

Repair and maintenance of motorized wheelchair for physically handicapped dependent child	\$ 300
Tuition, meals, and lodging at special school for physically handicapped dependent child in the institution primarily for the availability of medical care, with meals and lodging furnished as necessary incidents to that care	4,000
State income tax	1,200
Self-employment tax	7,650
Four tickets to a theatre party sponsored by a qualified charitable organization; not considered a business expense; similar tickets would cost \$25 each at the box office	160
Repair of glass vase accidentally broken in home by dog; vase cost \$500 five years ago; fair value \$600 before accident and \$200 after accident	90
Fee for breaking lease on prior apartment residence located 20 miles from new residence	500
Security deposit placed on apartment at new location	900

(1) MCQ-02121 Nov 92 II #1 B

Without regard to the adjusted gross income percentage threshold, what amount may the Burgs claim in their current year tax return as qualifying medical expenses?

- a. \$0
- b. \$300
- c. \$4,000
- d. \$4,300

(2) MCQ-02125 Nov 92 II #2 B

What amount should the Burgs deduct for taxes in their itemized deductions on Schedule A for the current year?

- a. \$1,200
- b. \$3,825
- c. \$5,025
- d. \$7,650

(3) MCQ-02132 Nov 92 II #3 B

What amount should the Burgs deduct for gifts to charity in their itemized deductions on Schedule A for the current year?

- a. \$160
- b. \$100
- c. \$60
- d. \$0

(4) MCQ-02138 Nov 92 II #4 B

Without regard to the \$100 "floor" and the adjusted gross income percentage threshold, what amount should the Burgs deduct for the casualty loss in their itemized deductions on Schedule A for the current year?

- a. \$0
- b. \$90
- c. \$300
- d. \$400

132. TAC Original **B**

Yoshiko (age 66) 's son, who is a dependent, suffers from a debilitating disease, which requires him to spend much time in a wheelchair. As a result, during 20X1 Yoshiko makes the following improvements to her home to allow easier access for her, and at the same time updates her bathroom both for handicap access and installs a spa bath, on the doctor's recommendation to relieve pain for her son:

Wheelchair ramp	\$800
Bathroom modifications	\$5,000
Other wheelchair modifications	\$2,000

A qualified independent appraiser estimates that the bathroom modifications improve the value her property by \$2,000. Without regard to the adjusted gross income percentage threshold, what amount may she claim in her 20X1 tax return as qualifying medical expenses?

- \$800
- \$2,800
- \$5,800
- \$7,800

133. TAC Original **A**

Mary and John file a joint return. They have a dependent son, Michael, who is physically handicapped. During 20X1, Mary and John paid \$10,000 for Michael to attend a school for the physically handicapped. The school fees can be broken down into \$5,000 for medical care, \$3,000 for tuition and \$2,000 for meals. The primary purpose for attending the school is for Michael to receive constant medical care. How much of the \$10,000 in school fees can be qualifying medical expense on Schedule A?

- \$0
- \$5,000
- \$8,000
- \$10,000

134. TAC Original **B**

Janet, a Certified Public Accountant, donates her services to the Tahoe Rim Trail, a qualified charitable organization. Her donation includes a total of 20 hours work (she usually charges \$200 per hour), travel by car costing \$50, accommodation costing \$300 and meals while away from home costing \$40. Ignoring limitations based on Janet's Adjusted Gross Income, how much is Janet's deductible charitable contribution?

- \$370
- \$390
- \$2,370
- \$4,390

135. TAC Original **A**

Which of the following statements regarding gambling winnings and losses is correct?

- Gambling winnings need only be included in taxable income if they exceed gambling losses.
- All gambling losses can be deducted as a miscellaneous itemized deduction.
- Gambling losses up to the amount of gambling winnings are deductible, subject to a 60% of Adjusted Gross Income floor.
- All gambling winnings should be included in taxable income.

136. TAC Original **C**

Mark owns a home which has an apartment attached to the house. During 20X1 he rented out the apartment and received \$5,000 in rent. Mark's living area encompasses 90% of the building and the apartment is 10% of the building. During 20X1 Mark incurred the following expenses associated with this property:

Mortgage Interest	\$6,000
Homeowner's Insurance	\$3,000
Real Estate Taxes	\$2,000
Depreciation (entire building)	\$1,000

(1) What is net rental income on Schedule E?

- a. \$2,900 profit
- b. \$3,800 profit
- c. \$4,600 profit
- d. \$6,000 loss

(2) How much of the above expenses should Mark deduct on Schedule A?

- a. \$0
- b. \$6,000
- c. \$7,200
- d. \$9,900

137. MCQ-08783 **A**

Where is the deduction for qualifying business income (QBI) applied in the individual tax formula?

- a. As an adjustment to arrive at adjusted gross income
- b. As an itemized deduction
- c. As an alternative to the standard deduction
- d. As a deduction from adjusted gross income separate from the standard deduction and itemized deductions

138. MCQ-08787 **B**

Which of the following is considered a specified service trade or business (SSTB) for purposes of the qualifying business income deduction?

- a. Accounting firm
- b. Manufacturing company
- c. Engineering firm
- d. Architectural services

139. MCQ-08788 **A**

What is the basic deduction calculation for the qualifying business income deduction?

- a. $30\% \times \text{Qualifying business income (QBI)}$
- b. $20\% \times \text{W-2 wages}$
- c. $20\% \times \text{Qualifying business income (QBI)}$
- d. $30\% \times \text{W-2 wages}$

140. MCQ-08789 **B**

Which of the following statements is true regarding taxpayers with taxable income below the taxable income limitations for the qualifying business income (QBI) deduction?

- a. QBI deduction is only allowed if a qualified trade or business (QTB).
- b. QBI deduction is a phased-out deduction if a specified service trade or business (SSTB).
- c. QBI deduction is limited to 50% of W-2 wages.
- d. A qualified trade or business (QTB) and specified trade or business (SSTB) are treated the same.

141. MCQ-08790 **A**

Which of the following is true about the qualifying business income (QBI) deduction for taxpayers with taxable income above the taxable income limitations?

- a. If the taxpayer is a specified service trade or business (SSTB), no QBI deduction is allowed.
- b. If the taxpayer is a qualified trade or business (QTB), W-2 wage and property limitations do not apply.
- c. If the taxpayer is a qualified trade or business (QTB), W-2 wage and property limitations are phased in.
- d. If the taxpayer is a specified service trade or business (SSTB), W-2 wage and property limitations apply.

142. MCQ-08791 **A**

Which of the following is the overall limitation to the qualifying business income (QBI) deduction?

- a. Lesser of: 50% of combined QBI deduction or 20% of the taxpayer's taxable income in excess of net capital gain
- b. Lesser of: combined QBI deduction or 20% of the taxpayer's taxable income in excess of net capital gain
- c. Lesser of: 50% of W-2 wages or 25 percent of W-2 wages plus 2.5% of the unadjusted basis of qualified property
- d. Taxable income limitations based on filing status

143. Becker Example □□ **A**

Calculate the taxpayer's qualifying business income deduction for a qualified trade or business:

Filing status: Single
 Taxable income: \$100,000
 Net capital gains: \$0
 Qualified business income (QBI): \$30,000
 W-2 wages: \$10,000
 Taxable income limitation: \$170,050 - 220,050

- a. \$5,000
- b. \$70,000
- c. \$20,000
- d. \$6,000

144. Becker Example □□ **C**

Calculate the taxpayer's qualifying business income deduction for a qualified trade or business:

Filing status: Single
 Taxable income: \$192,550
 Net capital gains: \$0
 Qualified business income (QBI): \$80,000
 W-2 wages: \$20,000
 Taxable income limitation: \$170,050 - 220,050

- a. \$16,000
- b. \$10,000
- c. \$2,700
- d. \$13,300

CORE : REG

直近10年分の AICPA リリース MC 問題のうち

PART I 第10章に対応する問題は以下となる。

Released 2014 (p.130~) ⇒ **Q6, 7, 8, 14**

Released 2015 (p.135~) ⇒ **Q7**

Released 2016 (p.142~) ⇒ **Q1**

Released 2017 (p.148~) ⇒ **Q7**

Released 2020 (p.166~) ⇒ **Q17, 25**

Released 2021 (p.174~) ⇒ **Q8**

Released 2022 (p.181~) ⇒ **Q7**

11. Other Taxes

問題編 (計11問)

CORE : REG Q145~147

TCP Q148~155

145. MCQ-05903 Released 2017 **A**

Juan recently started operating a flower shop as a proprietorship. In its first year of operations, the shop had a taxable income of \$60,000.

Assuming that Juan had *no* other employment-related earnings:

- The flower shop must withhold FICA taxes from Juan's earnings.
- Juan must pay self-employment tax on the earnings of the business.
- Juan will be exempt from self-employment taxes for the first three years of operations.
- Juan will be exempt from the Medicare tax because the business earnings are below the threshold amount.

146. MCQ-01699 ARE R02 #6 **B**

Freeman, a single individual, reported the following income in the current year:

Guaranteed payment from services rendered to a partnership	\$50,000
Ordinary income from a S corporation	\$20,000

What amount of Freeman's income is subject to self-employment tax?

- \$0
- \$20,000
- \$50,000
- \$70,000

147. TAC Original **B**

Dan, a single taxpayer, had the following income in the current year:

Salary from a S corporation	\$40,000
Ordinary income from a S corporation	10,000
Corporate director fees	2,000
Ordinary income from a partnership (general partner)	8,000
Non-employee compensation	30,000

What is the amount of Dan's self-employment income?

- \$38,000
- \$40,000
- \$50,000
- \$90,000

※Q148~155は、**TCP**の出題範囲となる予定です。

148. CPA Evolution **B**

Don Mills, a single taxpayer, had \$70,000 in taxable income in the current year. Mills had no tax preferences. His itemized deductions were as follows:

State and local income taxes	\$5,000
Home mortgage interest on loan to acquire residence	6,000
Property taxes	2,000

What amount did Mills report as alternative minimum taxable income before the AMT exemption?

- \$72,000
- \$75,000
- \$77,000
- \$83,000

CORE : REG

直近10年分のAICPAリリースMC問題のうち
PART I 第11章に対応する問題は以下となる。

Released 2015 (p.135~) ⇒ **Q19**

Released 2017 (p.148~) ⇒ **Q10**

Released 2021 (p.174~) ⇒ **Q25**

149. CPA Evolution **A**

Which of the following is *not* an adjustment or preference to arrive at alternative minimum taxable income?

- Individual taxpayer net operating losses.
- Passive activity losses.
- Deductible state and local taxes.
- Deductible contributions to individual retirement accounts.

150. CPA Evolution **A**

Alternative minimum tax preferences include:

	<i>Tax-exempt interest from private activity bonds</i>	<i>Charitable contributions of appreciated capital gain property</i>
a.	Yes	Yes
b.	Yes	No
c.	No	Yes
d.	No	No

151. CPA Evolution **A**

The credit for prior year alternative minimum tax liability may be carried:

- Forward for a maximum of five years.
- Back to the three preceding years or carried forward for a maximum of five years.
- Back to the three preceding years.
- Forward indefinitely.

152. CPA Evolution **A**

The alternative minimum tax (AMT) is computed as the:

- Excess of the regular tax over the tentative AMT.
- Excess of the tentative AMT over the regular tax.
- The tentative AMT plus the regular tax.
- Lesser of the tentative AMT or the regular tax.

153. CPA Evolution **A**

Farr, an unmarried taxpayer, had \$70,000 of adjusted gross income and the following deductions for regular income tax purposes:

Home mortgage interest on a loan to acquire a principal residence	\$11,000
Deductible real estate property taxes	2,000

What are Farr's total allowable itemized deductions for computing alternative minimum taxable income?

- \$0
- \$2,000
- \$11,000
- \$13,000

154. CPA Evolution **A**

Which of the following may not be deducted in the computation of alternative minimum taxable income of an individual?

- Traditional IRA account contribution.
- One-half of the self-employment tax deduction.
- State income taxes.
- Charitable contributions.

155. CPA Evolution **A**

Which of the following statements about the alternative minimum tax (AMT) of an individual is correct?

- It is determined from the tax rate schedules and computed on income that exceeds \$100,000.
- It is computed on an individual's regular taxable income at a rate of 28%.
- It is calculated after certain tax preference items that may be used as an alternative to the regular tax are deducted.
- AMT credits may be carried forward to future tax years.

12. Tax Credits

問題編 (計7問)

CORE : REG Q 156~162

156. MCQ-04885 **B**

For the current year, Seth and Sheila intend to file a joint return. Seth expects to earn \$35,000 in wages from his teaching job. He is covered by the university's pension plan. Sheila is a volunteer at their son, Stephen's, school. In addition to Seth's income, they received \$500 in interest income and \$50 in prize winnings from a local radio contest. Each would like to make a deductible contribution to an individual retirement account for the current year. They also believe they will be eligible to claim a tax credit for these contributions. Which of the following is correct?

	<u>Deductible Contribution</u>	<u>Claim Credit</u>
a.	Yes	Yes
b.	Yes	No
c.	No	Yes
d.	No	No

157. MCQ-04887 **A**

Which of the following is **not** a refundable tax credit?

- Retirement savings contribution credit.
- Earned income credit.
- Child tax credit.
- Excess social security paid.

158. MCQ-15618 **A**

Madison and Nick Koz have two children, ages 8 and 10. Both children meet the definition of qualifying child. The Koz family has adjusted gross income of \$300,000. What is the amount of the child tax credit on the couple's current year income tax return?

- \$2,000
- \$3,000
- \$4,000
- \$6,000

159. MCQ-15617 **A**

The Tiller family has a modified adjusted gross income of \$50,000. The Tillers have two children, ages 12 and 13, who qualify as dependents. All of the Tillers' income is from wages and their tax liability is \$1,000 before the child tax credit. What is the Tillers' child tax credit and what portion of their child tax credit is refundable for the current year?

	<u>Child Tax Credit</u>	<u>Refundable Portion</u>
a.	\$4,000	\$ 0
b.	\$4,000	\$ 1,500
c.	\$2,000	\$ 1,500
d.	\$2,000	\$ 0

160. MCQ-02012 May 94 #17 R 2-02 **A**

Which of the following credits can result in a refund even if the individual had **no** income tax liability?

- Foreign tax credit.
- Elderly and permanently and totally disabled credit.
- Earned income credit.
- Child and dependent care credit.

161. MCQ-11783 **B**

Mr. and Mrs. Sloan incurred the following expenses during the year when they adopted a child:

Child's medical expenses	\$5,000
Legal expenses	8,000
Agency fee	3,000

Without regard to the limitation of the credit, what amount of the above expenses are qualifying expenses for the adoption credit?

- \$16,000
- \$11,000
- \$8,000
- \$5,000

162. MCQ-02179 May 91 II #33 **B**

An employee who has had social security tax withheld in an amount greater than the maximum for a particular year, may claim:

- Such excess as either a credit or an itemized deduction, at the election of the employee, if that excess resulted from correct withholding by two or more employers.
- Reimbursement of such excess from his employers, if that excess resulted from correct withholding by two or more employers.
- The excess as a credit against income tax, if that excess resulted from correct withholding by two or more employers.
- The excess as a credit against income tax, if that excess was withheld by one employer.

CORE : REG

直近10年分のAICPAリリースMC問題のうち
PART I 第12章に対応する問題は以下となる。

Released 2019 (p.159~) ⇒ **Q10**

13. Tax Procedures

問題編 (計10問)

CORE : REG Q 163~172

163. MCQ-02063 ARE R02 #5 **A**

A taxpayer filed his income tax return after the due date but neglected to file an extension form. The return indicated a tax liability of \$50,000 and taxes withheld of \$45,000. On what amount would the penalties for late filing and late payment be computed?

- a. \$0
- b. \$5,000
- c. \$45,000
- d. \$50,000

164. MCQ-02093 ARE May 95 #16 **A**

An accuracy-related penalty applies to the portion of tax underpayment attributable to:

- I. Negligence or a disregard of the tax rules or regulations.
 - II. Any substantial understatement of income tax.
- a. I only.
 - b. II only.
 - c. Both I and II.
 - d. Neither I nor II.

165. MCQ-06595 **B**

John S. Loppe has not been particularly careful in preparing his income tax returns and, as a result, has substantially understated his tax. The negligence penalty with respect to understatement of tax might thus be applicable to him. The negligence penalty with respect to understatement of tax:

- a. Is an accuracy-based penalty for negligence or for disregard of tax rules and regulations.
- b. Is computed as 25% of the understatement of tax.
- c. Defines "disregard" as any careless, reckless, and unintentional disregard of tax rules and regulations.
- d. Is imposed in conjunction with the penalty for substantial underpayment of tax and the penalty for a substantial valuation misstatement.

166. MCQ-06666 **A**

Which of the following statements is correct with respect to penalties?

- a. The taxpayer can generally avoid penalties if he/she acted in good faith.
- b. The taxpayer can generally avoid penalties if he/she acted in good faith and if there was a reasonable basis to support the tax return position.
- c. The taxpayer can generally avoid penalties if he/she acted in good faith, if there was a reasonable basis to support the tax return position, and if the taxpayer did not have willful neglect.
- d. The taxpayer cannot avoid penalties under any circumstances.

167. MCQ-06665 **B**

Chatham Corporation is defendant in a lawsuit by the IRS. Which of the following statements is correct with respect to the various defenses that might be available to Chatham to avoid or reduce civil and criminal penalties that might otherwise be imposed on it?

- a. The reasonable basis standard involves a position that is arguable but fairly unlikely to prevail in court. A numerical statement of this standard has at least a 10% chance of succeeding.
- b. The substantial authority standard involves a position that has a less than 50% chance but more than a one-in-four chance of succeeding.
- c. The more likely than not standard involves a position that has a more than 50% chance of succeeding.
- d. Reports issued by the U.S. Congress, IRS regulations, rules, and releases, and U.S. and foreign court case decisions constitute substantial authority for the substantial authority standard.

168. MCQ-06671 **B**

John R. Fudge is an individual taxpayer in Cut and Shoot, Texas. He has been accused of understating the tax on one of his returns and is concerned about the possibility of imprisonment if he is convicted. The understatement has nothing to do with a tax shelter. Which of the following statements is correct for his situation?

- a. If John took a reasonable position on his tax return, he is subject to the penalty for understatement of tax but not to the penalty for substantial understatement of tax.
- b. If there was a reasonable basis for a disclosed tax position on the tax return, and John acted in good faith, the penalty for understatement of tax would still apply if John actually did understate his tax.
- c. If John relied on the opinion of a reputable accountant or attorney who prepared his return and furnished all relevant information, in general, he would

have a reasonable basis for the tax return position and could avoid the penalties for understatement of tax.

- d. If John's understatement of tax is a substantial understatement, the penalty is double what it would have been for a simple understatement.

169. MCQ-06673 **C**

Dewey Cheatam, Esq. is a leading candidate for the next open seat on the U.S. Supreme Court. He recently addressed the graduating class at The University of Texas Law School on the subject of the judicial process for tax issues. Which of the following statements in his address was correct?

- a. The U.S. Court of Federal Claims follows the decisions of the Federal Court of Appeals and the geographical Courts of Appeals.
- b. Judges for the U.S. Tax Court hear cases at various locations in the country as do justices for the U.S. Supreme Court.
- c. When the U.S. Supreme Court denies a writ of certiorari, it confirms the lower court's decision.
- d. U.S. District Court cases are heard before one judge, not a panel of judges.

170. Becker Example **A**

Bob files an extension of his Year 1 income tax return on March 23, Year 2. His withholding for Year 1 is \$4,200. He estimates that he will owe an additional \$300 and includes a check for \$300 with the extension. Bob files his Year 1 income tax return on May 18, Year 2. The total tax indicated on the return is \$5,100. What amount of the tax is subject to the Failure-to-Pay Penalty?

- a. \$0
- b. \$600
- c. \$900
- d. \$5,100

171. Becker Example **B**

John Q. Dillinger is the outgoing Commissioner of the Internal Revenue Service. In his final public meeting with IRS employees, he addressed changes that he would like to see made in the IRS audit and appeals process. Which of the following statements that he made at this meeting is correct?

- a. Tax returns are checked for mathematical accuracy, but only if the returns indicate a refund.
- b. Office audits are normally performed at the national office of the IRS in Washington, DC.
- c. A revenue agent and the Appeals Division can both settle an unresolved tax issue based on the probability of winning the case in court.
- d. Following an audit, if agreement is reached with the taxpayer, the taxpayer signs Form 870.

CORE : REG

直近10年分の AICPA リリース MC 問題のうち
PART I 第13章に対応する問題は以下となる。

- Released 2016** (p.142~) ⇒ **Q21**
- Released 2018** (p.154~) ⇒ **Q2, 12, 13**
- Released 2019** (p.159~) ⇒ **Q2, 18, 19**
- Released 2020** (p.166~) ⇒ **Q18, 19**
- Released 2021** (p.174~) ⇒ **Q17, 18**
- Released 2022** (p.181~) ⇒ **Q9, 16**

172. MCQ-06678 **C**

Which of the following statements is correct for the judicial process when a taxpayer and the Internal Revenue Service cannot reach agreement on a tax issue using the administrative appeals process?

- a. The Supreme Court often hears tax cases because tax issues are extremely important to the economic health of the nation.
- b. The U.S. Tax Court is a specialized trial court that hears Federal tax and other Federal cases.
- c. The IRS bears the burden of proof in civil tax cases because the IRS can readily afford expensive lawyers and thus should be able to bear a greater burden.
- d. The U.S. Court of Federal Claims has jurisdiction over most claims for money damages against the United States.

Answers & Explanations

解答編

<参考>

問題編、解答編を切り離してご使用いただくと、ページをめくる（行き来する）手間が省けます。

（※余白を最小限に減らしページ数を抑えるために問題編・解答編を分けています）。

また、Becker 推奨の演習履歴の記録方法として、次のページのワークシートをコピーもしくは作成して、問題ごとにご自身の Note を簡潔に“1行”でまとめておくと試験直前に全体をレビューしやすく効率的だと思います。

【演習履歴：正誤の記録方法の1例】 通常、問題を解いた記録は○か×という記録になりがちですが、正誤の記録を○、△、×という3つに分けて記録することをお勧めします。

正解（回答に自信があつて、結果も合っていた問題）→○

たまたま正解（回答に自信がなく、結果がたまたま合っていた問題）→△

不正解（結果が間違っていた問題）→×

PART I : INDIVIDUAL INCOME TAXATION

1. Overview (Filing) & 2. Payment of Tax

解答編

1. MCQ-05302

Choice "a" is correct. According to the IRS's website under Tax Code, Regulations and Official Guidance, the "federal tax law begins with the Internal Revenue Code (IRC), [which was] enacted by Congress in Title 26 of the United States Code (26 U.S.C.)." The IRC holds the most authoritative value.

Choice "b" is incorrect. According to the IRS's website under Tax Code, Regulations and Official Guidance, the IRS regulations or "Treasury regulations (26 C.F.R.)-commonly referred to as *Federal tax regulations*-pick up where the Internal Revenue Code (IRC) leaves off by providing the official interpretation of the IRS by the U.S. Department of Treasury." Regulations give directions on how to apply the law outlined in the Internal Revenue Code. Regulations have the second most force and effect, second only to the IRC.

Choice "c" is incorrect. Tax court decisions interpret the Internal Revenue Code. They do not have the authority of the IRC.

Choice "d" is incorrect. The reports of IRS agents are used to report on specific taxpayer situations. IRS agents' reports apply the Internal Revenue Code, IRS regulations, and other forms of authoritative literature, but they do not hold the value that the IRC, the IRS regulations, or even tax court decisions have.

【ポイント解説】

出題トピック	Internal Revenue Code
対応する章	Overview (Vol.1テキスト p.1) ※TAX 直前対策まとめ表紙

最も上位にある *Authority* (法源) は、当然ながら、内国歳入法である。

I. Internal Revenue Code

内国歳入法

II. Federal Tax Regulation

連邦税法施行規則

※Treasury (IRS) Regulation : 財務省規則とも呼ばれる。

III. Tax Court Decisions

租税裁判所等の判例

※「TAX直前対策まとめ」とは、収録講義で使用している別冊配布の補助レジュメ (薄い冊子) です。通学講座の方には教材と共にお渡し、通信講座の方には郵送しております。単に「直前対策まとめ」や「直対」と表記していることもあります。

2. TAC Original

Choice "d" is correct. A final individual income tax must be filed on behalf of a taxpayer who dies during the tax year. This is filed by the executor of the estate. It is due on the same date that the tax return would have been due if the taxpayer had not died. Therefore, as most individual taxpayers are calendar year taxpayers, the tax return will be due on April 15 of the year following the taxpayer's death.

【ポイント解説】

出題トピック	Filing
対応する章	PART1 第1章

納税者が年度の途中で死亡した場合も、1月1日から死亡日までの所得を計算して申告義務があれば、申告と納税が必要となる。Form1040の申告期限は、通常の場合と同様で、翌年の4月15日まで。
∴ **選択肢"d"**が正解となる。

※ PART VII Gift and Estate Taxation 第3章に参考として掲載しているが、連邦相続税申告書 (Form 706 : Estate Tax Return) の申告期限は、死亡日から9ヵ月以内となっている。

3. MCQ-02084

Choice "a" is correct. Provided the taxes due after withholdings were not over \$1,000, there is no penalty for underpayment of estimated taxes. Note that there would be a failure to pay penalty on the \$200 that was not paid until April 30, but this is a separate penalty.

Choice "b" is incorrect. This \$200 would be subject to a failure to pay penalty, but if the balance due after withholdings is not over \$1,000, there is no penalty for underpayment of estimated taxes. Choice "c" is incorrect. If the balance of tax due after withholdings is not over \$1,000, there is no penalty for underpayment of estimated taxes. Choice "d" is incorrect. The penalty for underpayment of estimated taxes is not assessed on the full amount of the income tax liability, only the unpaid amount after withholdings to the extent it exceeds \$1,000.

【ポイント解説】

出題トピック	Estimated Tax Payment
対応する章	PART1 第2章

申告納税額が\$1,000未満の場合、「予定納税の過少納付（及び源泉徴収不足）による罰則金 (underpayment penalty ; 前払不足のペナルティ)」は課せられない。なお、用語が似ているのだが、PART1 第1章 (Vol.1テキスト22ページ) の「納税不足による罰則金 (tax delinquency penalty)※」とは異なるので注意しよう。

本問の問題設定をまとめると、以下のようになる。

- ・ X1年度中の源泉徴収税額（前払い）＝\$16,000。
- ・ X2年4月15日に延長を申請。\$300を納税。
- ・ X1年度の確定所得税額＝\$16,500。
- ・ X2年4月30日に申告書を提出。残\$200を納税。

本問では、確定所得税額\$16,500－源泉徴収税額\$16,000＝\$500なので、「Underpayment penalty」は課されない。∴ **\$0**が正解となる。

4月15日の時点での未納税額\$200に対しては、「Failure-to-pay penalty (※ Tax delinquency penalty)」が課されることになる。延長後の期限内に申告書を提出しているので、「Failure-to-file penalty」は課されない。

4. MCQ-02098

Choice "c" is correct. Payment of lesser of the below two will provide "safe harbor" to taxpayers.

- I. Payment of 90% of the tax on the return for the current year avoids the penalty for underpayment of estimated tax.
- II. Payment of 110% of the prior year's tax liability avoids the penalty for underpayment of estimated tax when the taxpayer's AGI from the prior year exceeds \$150,000.

【ポイント解説】

出題トピック	Estimated Tax Payment
対応する章	PART1 第2章

前年度の AGI が15万ドルを超える高額所得者の場合、a) 当年度の納税見込額 (← 実際の所得 : **actual income method** または年換算法に基づいた所得 : **annualized income method** をベースに計算する) の 90% もしくは b) 前年度の納税額 (← **prior year method** という) の 110% のいずれか小さい金額まで所得税を前払いしておけば、underpayment penalty (前払不足のペナルティ) を回避することができる。

本問では、Baker 氏の前年度の AGI は16万ドルであるため、上記に該当する。いずれかなので **選択肢"c" : Both I and II** が正解となる。

5. MCQ-06884

Choice "b" is correct. To avoid penalties, if a taxpayer owes \$1,000 or more in tax payments beyond withholdings, such taxpayer will need to have paid in for taxes the lesser of:

90% of the current year's tax ($\$50,000 \times 90\%$)
= \$45,000, or

100% of the previous year's tax ($\$30,000 \times 100\%$)
= \$30,000

However, if the taxpayer had adjusted gross income in excess of \$150,000 in the prior year, 110% of the prior year's tax liability is used to compute the safe harbor for estimated payments. (Previous year's tax $\$30,000 \times 110\% = \$33,000$). Choice "a" is incorrect. \$30,000 is 100% of last year's tax. This would be sufficient if the previous year's income were \$150,000 or less.

Choice "c" is incorrect. \$45,000 is 90% of this year's tax, which is sufficient, but we are looking for the minimum amount.

Choice "d" is incorrect. \$50,000 is 100% of the current year's tax, which is sufficient, but more than required.

【ポイント解説】

出題トピック	Estimated Tax Payment
対応する章	PART I 第2章

前年度の AGI が15万ドルを超える高額所得者の場合、a) 当年度の納税見込額の 90% もしくは b) 前年度の納税額の110%のいずれか小さい金額まで所得税を前払いしておけば、underpayment penalty（前払不足のペナルティ）を回避することができる。

本問の場合、Sam 氏の前年度の AGI が15万ドルを超える（Taxable income が17.5万ドルである）ため、上記に該当する。a) $\$50,000 \times 90\% = \$45,000$ もしくは b) $\$30,000 \times 110\% = \mathbf{\$33,000}$ のいずれか小さい金額となるため、**選択肢"b"**が正解となる。

6. TAC Original

Choice "d" is correct. No penalty for underpayment of estimated taxes will be charged if the taxpayer had no tax liability for the prior year, or the taxpayer's total estimated tax liability for the current year was less than \$1,000, or the taxpayer paid 100% of their prior year's tax liability as estimated taxes. However, if a taxpayer's AGI is greater than \$150,000, they must pay 110% of their prior year's tax liability in order to ensure that they do not pay a penalty. Thus, if a taxpayer who has an AGI of over \$150,000 for the prior tax year pays 100% of their prior year's tax liability they may be subject to a penalty if their actual tax liability exceeds their estimated tax payments.

【ポイント解説】

出題トピック	Estimated Tax Payment
対応する章	PART I 第2章

前年度の AGI が15万ドルを超える高額所得者の場合、a) 当年度の納税見込額の 90% もしくは b) 前年度の納税額の110%のいずれか小さい金額まで所得税を前払いしておけば、underpayment penalty（前払不足のペナルティ）を回避することができる。

選択肢"d"：納税者の前年度の AGI は18万ドルであるため上記に該当するが、100%しか所得税を前払いしておらず、underpayment penalty（前払不足のペナルティ）が課される。

なお、**選択肢"a"**：個人の納税者の場合、前年度の納税額がゼロであった場合にはそもそも予定納税を行う必要はない。

3. Filing Status

解答編

7. MCQ-01404

Choice "d" is correct. The requirements that enable a taxpayer to be classified as a qualifying surviving spouse / qualifying widow(er) are:

- 1) The taxpayer's spouse died in one of the two previous years and the taxpayer did not remarry in the current tax year,
- 2) The taxpayer has a child who can be claimed as a dependent,
- 3) This child lived in the taxpayer's home for all of the current tax year,
- 4) The taxpayer paid over half the cost of keeping up a home for the child,
- 5) The taxpayer could have filed a joint return in the year the spouse died.

【ポイント解説】

出題トピック	Filing Status
対応する章	PART I 第3章

※次の問題の日本語解説も参照のこと。

Qualifying surviving spouse / widow(er) の要件のなかで特に重要なのは、『1年間』、扶養家族である『子供』が同居していること。

Qualifying Widow(er) = Whole year

Head of Household = Half year

∴ 選択肢 "d" : Neither I nor II が正解となる。

8. MCQ-04765

Choice "d" is correct. A qualifying widow(er) is a taxpayer who may use the joint tax return standard deduction and rates for each of two taxable years following the year of death of his or her spouse, unless he or she remarries. The surviving spouse must maintain a household that, for the entire taxable year, was the principal place of abode of a son, stepson, daughter, or stepdaughter (whether by blood or adoption). The child must be considered either a qualifying child or a qualifying relative. Parker may file as a qualifying widow(er) because her spouse died in the previous tax year, she did not remarry, and she maintained a home for a dependent child. Because qualifying widow(er) is the most advantageous status and Parker qualifies, Parker would file as a qualifying widow(er).

Choice "a" is incorrect. Even though Parker would qualify as single, filing single would give Parker a higher tax liability than the qualifying widow(er) status and therefore is not most advantageous.

Choice "b" is incorrect. Parker would not qualify as head of household for the first two years after the death of Parker's spouse because one of the requirements for head of household status is that the taxpayer is *not* a surviving spouse. (Also, note that the likely reason for this requirement is that filing as head of household status would give the qualifying surviving spouse taxpayer a higher tax liability than the qualifying widow(er) status, which would be less advantageous.)

Choice "c" is incorrect. Parker would not qualify to file married filing separately.

【ポイント解説】

出題トピック	Filing Status
対応する章	PART I 第3章

Qualifying surviving spouse / widow(er) は配偶者と死別し、一定の要件を満たしている独身者が、配偶者の死亡年度後2年間に限って利用することができる申告資格である。夫婦合算申告 (MFJ) と同じ税率表及び standard deduction を用いることができ優遇されている。

- a. Has not remarried at year end;
年度末の時点で再婚していないこと。
- b. Was qualified to file a joint return in the year of death;
配偶者の死亡年度に MFJ をする資格があったこと。
- d. Maintain principal residence for dependent child for the whole year
『1年間』、扶養家族である『子供』が同居していること。

9. MCQ-05278

RULE: In order to file a joint return, the parties must be MARRIED at the end of the year.
Exception: If the parties are married but are **LEGALLY SEPARATED** under the laws of the state in which they reside, they cannot file a joint return (they will file either under the single or head of household filing status).

Choice "a" is correct. Per the above rule, taxpayers who are married but lived apart during the year are allowed to file a joint return for the year. The fact that they did not live together during the year has no bearing on the issue. Choice "b" is incorrect. Per the above rule, taxpayers who are married but lived under a legal separation agreement at the end of the year may not file a joint return. They will generally file either under the single or head of household filing status.

Choice "c" is incorrect. Per the above rule, taxpayers who were divorced during the year may not file a joint return together, as they are not married at the end of the year. [Note, however, that they may become married again in the year and file a joint return with the new spouse.]

Choice "d" is incorrect. Per the above rule, taxpayers who were legally separated but lived together for the entire year may not file a joint return. They will generally file either under the single or head of household filing status.

【ポイント解説】

出題トピック	Filing Status
対応する章	PART I 第3章

MFJを用いるためには、年度末の時点で結婚している夫婦でなければならない。離婚 (divorced)、法的に別居 (legally separated) している場合は認められない。

10. Becker Example

Choice "d" is correct. Head of household status requires that the following conditions be met:

- Individual is not married, is legally separated, or is married and has lived apart from his/her spouse for the last six months of the year at the close of the taxable year.
- The individual is not a qualifying widow(er).
- The individual is not a nonresident alien.
- The individual maintains as his or her home a household that, for more than half the taxable year, is the principal residence of a son or daughter, father or mother (not required to live with the taxpayer), or a dependent relative (must live with the taxpayer).

The individual in Item I would qualify because she maintained a home that was the principal residence of her two children for more than half the tax year.

The individual in Item II would qualify because she is providing support for her mother. Note that she is not a qualifying widow because she does not maintain the household for a qualifying child. The individual in item III would file married filing joint in the year of the death of the spouse and would file as a qualifying widow for the subsequent two years.

The individual in Item IV would qualify as head of household because he maintains a household that for more than half the taxable year is the principal residence of a dependent relative who resides with him (required for dependent relatives other than father or mother).

次のページに続く . . .

【ポイント解説】

出題トピック	Filing Status
対応する章	PART1 第3章

Head of household は、次の要件をすべて満たしている者が用いることができる申告資格である。

- a. 年度末に独身（みなし独身も含む）であること。※みなし独身規定とは、子供がいる納税者が、課税年度末の時点で法的に結婚していても MFS を選択するほかない状況にあり、その配偶者と年度の後半6か月間別居している場合、独身としてみなすという規定である。
- b. 米国民または居住者であること。
- c. The individual maintains as his or her home a household that, for more than half the taxable year, is the principal residence of :
 - 『半年』超の期間、
 - (i) **Dependent Relative** (must **Live with**)
扶養家族である『親族』と同居していること。
 - (ii) **Dependent Child** (must **Live with**)
扶養家族である子供と同居していること。
 - (iii) **Dependent Parent** (*Not required to live with*)
扶養家族である親とは同居している必要はない。

本問における4人の納税者に関して、Head of household の要件を満たしているかどうかを判断する。

I. 上記の **Dependent Child** (must **Live with**) に該当する。

II. 上記の **Dependent Parent** (*Not required to live with*) に該当する。親とは同居している必要はない。※ 前年度に配偶者と死別しているが、子供はいないため、Qualifying surviving spouse / widow(er) には該当しない。

III. 配偶者の死亡年度は MFJ を用いることができる。Head of household には該当しない。

IV. 上記の **Dependent Relative** (must **Live with**) に該当する。

∴ **選択肢"d** : I, II, and IV が正解となる。

11. Released 2008

Choice "c" is correct. For the first subsequent tax year (and all other subsequent tax years) after the death of a spouse with no dependent children, filing status is single.

Choice "a" is incorrect. Filing status is not "surviving spouse" because there are no dependent children.

Choice "b" is incorrect. Filing status is not "married filing separately" in the first subsequent tax year after the death of a spouse since the couple is no longer married.

Choice "d" is incorrect. Filing status is not "head of household" because there are no dependent children and no other qualifying dependents.

【ポイント解説】

出題トピック	Filing Status
対応する章	PART1 第3章

配偶者の死亡年度は、MFJを用いることができる。本問では配偶者の死亡年度の翌年の filing status が問われている。扶養家族である子供（親族）がいないので、Qualifying surviving spouse / widow(er) 及び Head of household には該当しない。
∴ **Single** が正解となる。

4. Dependency Requirements

解答編

TIP 問題の設定上“Qualifying Child(適格子供)”や“Qualifying Relative(適格親族)”のすべての要件を満たしているかを判断するのに十分な情報が与えられていないことが多い。特に各要件に反する記述がない限り、満たしていると考えよう！

12. Becker Example

Choice "d" is correct. Based on the “qualifying child” and the “qualifying relative” tests, Janet and Ted have three dependents.

The two children meet the test for a “qualifying child”. In addition, Aunt Martha, a relative, qualifies because she does not have any taxable income (social security is not taxed at this low level of income), is not filing a joint tax return with another, is a citizen of the US, and is a qualifying relative. In this instance, note that Martha would not have to reside with the family. Only nonrelative members of a household must reside with the taxpayer for the entire year.

The dependency requirements for a relative are found in the “SUPPORT” mnemonic.

- S**upport (over 50%) test
- U**nder a specific amount of (taxable) gross income test
- P**recludes dependent filing a joint tax return test
- O**nly citizens (residents of US/Canada or Mexico) test
- R**elative test OR
- T**axpayer lives with the individual for entire year

※上記SUPPORTは、Becker作成のニーモニック/語呂合わせである。

【ポイント解説】

出題トピック	Dependents
対応する章	PART I 第4章

右記解説により、**計3人**が正解となる。

Mary (子供10歳)とSeth (子供12歳)は、19歳未満であり問題文より同居していると推測できる(特に反する記述がない)ため、“Qualifying Child (CARES)”の要件を満たしている。
※いずれも17歳未満の子供であるため、「子供税額控除 (**child tax credit**)」の対象となる。詳細はPART I 第12章で学習する。

Martha (おば=3親等以内の親族)については、“Qualifying Relative (SINCRO)”の要件を満たしているかどうかを判断する。下表の通り、SINCROの要件を満たしている。
※17歳未満の子供以外の扶養家族については、「扶養家族税額控除 (**credit for other dependents**)」の対象となる。詳細はPART I 第12章で学習する。

	Support	Income	No joint return	Citizen	Relative	OR 同居
	S	I	N	C	R	O
Martha 叔母	○	○*(1)	n/a	○	○	○*(2)

*補足解説 (1) GI テスト **所得制限**

：非課税所得は計算に含まれないので注意しよう。社会保障給付 (social security benefit) は原則として課税対象となるが、所得の大きさ (ここでは “provisional income”) に応じて課税対象となる割合が異なる。低額所得者 (“provisional income” が \$25,000以下 ※試験対策上は社会保障給付しか所得がない者はこのカテゴリーに入ると考えよう) は、給付額を「全額」非課税とすることができる。詳細は、PART I 第5章で学習する。

*補足解説 (2) Relationshipテスト **関係**

：3親等以内の親族である または 1年間同居していること。3親等以内の親族であれば、同居しているかどうかに関わらず、自動的にRelationship テストを満たす。それに対して、3親等以内の親族ではない場合には1年間同居していることが要件となる。

13. Becker Example

Choice "b" is correct. Based on the "qualifying child" and the "qualifying relative" tests, Smith has one dependent.

Ruth: YES. Ruth has \$9,000 in Social Security income during 20X1, but since that is her only income, the Social Security income is nontaxable, and not included for gross income test.

Clay: NO. Clay cannot be taken as a dependent because he filed a joint return with his wife (the joint return was filed for a purpose other than simply claiming a refund).

【ポイント解説】

出題トピック	Dependents
対応する章	PART1 第4章

下表のように、Ruth（母親＝3親等以内の親族）と Clay（子供 25歳：※配偶者と同居）について“Qualifying Relative (SINCRO)”の要件を満たしているかどうか判断する。Ruth（母親）のみ、SINCROの要件を満たしている。∴1人が正解。

	Support	Income	No joint return	Citizen	Relative	OR同居
	S	I	N	C	R	O
Ruth 母親	○	○*(1)	n/a	○	○	×*(3)
Clay 子供 (25歳)	○	○	×*(2)	○	○	×*(3)

*補足解説 (1) GI テスト **所得制限**

：非課税所得は計算に含まれないので注意しよう。社会保障給付 (social security benefit) は原則として課税対象となるが、所得の大きさ（ここでは“provisional income”）に応じて課税対象となる割合が異なる。低額所得者（“provisional income”が\$25,000以下 ※試験対策上は社会保障給付しか所得がない者はこのカテゴリーに入ると考えよう）は、給付額を「全額」非課税とすることができる。詳細は、PART1 第5章で学習する。

*補足解説 (2) Joint Return テスト

：配偶者とMFJをしていないこと。但し、源泉徴収税額等の還付を受けるために (solely for a refund of all taxes paid or withheld for the taxable year i.e., the tax is zero)、配偶者とMFJを用いた場合には構わない。本問では、申告時に\$500納付する必要があり、還付を受ける目的でMFJを用いてはならない。従って、Clayは、Joint return テストを満たしていない。

*補足解説 (3) Relationshipテスト **関係**

：3親等以内の親族である または 1年間同居していること。3親等以内の親族であれば、同居しているかどうかに関わらず、自動的にRelationship テストを満たす。それに対して、3親等以内の親族ではない場合には1年間同居していることが要件となる。

14. MCQ-01415

Choice "b" is correct. Only one person meets the criteria for either “qualifying child” or “qualifying relative” for the Rosses.

Dale: YES. Dale meets all criteria of qualifying child (CARES). He is under the age limit because he is a full-time student under age 24.

Kim: NO. Kim does not meet the age test for qualifying child. She also does not meet the qualifying relative criteria. She fails the gross income limitations of qualifying relative (SINCRO).

Grant: NO. Grant does not meet the qualifying relative criteria. He fails the gross income limitations of qualifying relative (SINCRO).

【ポイント解説】

出題トピック	Dependents
対応する章	PART1 第4章

Dale（子供19歳）には\$4,500のバイト収入があるが、24歳未満のフルタイムの学生である（同居の要件：temporary absenceはOK ∴“Qualifying Child”の要件を満たしている）ため、所得制限は適用されない。

	C	A	R	(E)	S
Dale 子供 (19歳)	○	○	○	所得制限ナシ	○

Kim（子供23歳）は、23歳ではあるがフルタイムの学生ではないため、“Qualifying Relative”の要件を満たしているかを判断する。\$12,000の給与収入があり、所得制限にひっかかる。

Grant（父親＝3親等以内の親族）には、\$5,000の配当収入があり、所得制限にひっかかる。

	S	I	N	C	R	O
Kim 子供 (23歳)	○	×	n/a	○	○	×
Grant 父親	○	×	n/a	○	○	×

∴扶養家族なるのは Dale のみ：1人が正解となる。

15. TAC Original

Choice “c” is correct. Only David.

Lacking any supporting documentation to indicate otherwise, the \$9,000 support is deemed to be provided equally for both Amy and David.

Therefore, Ted and Nancy provide \$4,500 of support for Amy and \$4,500 of support for David. Amy provides \$6,000 of support for herself, which is greater than 50% of her total support. Thus, Ted and Nancy cannot include Amy as a dependent on their return (note that Amy may file her own return). David only provides \$4,000 a year towards his support, which is less than 50%.

【ポイント解説】

出題トピック	Dependents
対応する章	PART1 第4章

本問では、両親それぞれが“Qualifying Relative”のSupportテスト（納税者がその者の生活費の50%を援助していること）を満たしているかどうか問われている。

子（Ted & Nancy夫妻）が負担した\$9,000は、各親に均等に配分する（\$4,500ずつ）。よって、50%超の計算は以下の通り。

Amy（母親）

自己負担 \$6,000 / 計\$10,500 = 57%

子負担 \$4,500 / 計\$10,500 = 43% < 50% ×

David（父親）

自己負担 \$4,000 / 計\$8,500 = 47%

子負担 \$4,500 / 計\$8,500 = 53% > 50% ○

	S	I	N	C	R	O
Amy 母	×	○	○	○	○	×
David 父	○	○	○	○	○	×

<参考> Amy（母親）、David（父親）の自己負担分は、試験対策上、所得ではなく貯金、または、非課税の社会保障給付（social security benefit）から出されたものだと考える。

16. TAC Original

Choice “b” is correct. For the purpose of claiming as a dependent, immediate and extended families meet the relationship test. This means that children (including legally adopted children, step children and children-in-law), grandchildren, brothers, sisters (including step brothers and step sisters and brothers-in-law and sisters-in-law), grandparents (and their ancestors), aunts, uncles and nieces and nephews are all relatives and may be claimed as dependents. However, this does not extend to include cousins, and therefore cousins may not be claimed as dependents unless they live with the taxpayer for the entire tax year.

Choice “a” is incorrect, because uncles fall under the definition of relatives.

Choice “c” is incorrect, because a relative who dies during the tax year may be claimed as a dependent for the entire tax year.

Choice “d” is incorrect, because a child who is born at any time during the tax year may be claimed as a dependent for the entire tax year.

【ポイント解説】

出題トピック	Dependents
対応する章	PART1 第4章

従兄弟・従姉妹（cousin）は、3親等以内の親族ではないため、1年間同居している必要がある。∴**選択肢“b”**が正解となる。

選択肢“a”：おじは、3親等以内の親族である。
 選択肢“c”&“d”：課税年度中にその扶養家族が誕生または死亡した場合であっても、当該年度について、扶養家族として申告できる（各種税額控除の対象にもなる）。

17. TAC Original

Choice “a” is correct. Because the Japanese student is not a citizen /resident of the US, Canada or Mexico, the taxpayer cannot claim them as a dependent, even though they live with the taxpayer for the entire tax year, and the taxpayer provides 100% of their support.

Choice “b” is incorrect, because the taxpayer provides more than 50% of the support, and a son-in-law is considered to be a relative. As he is a relative, he is not required to actually live with the taxpayer in order to be claimed as a dependent. He earns less than \$4,400 (2022), and so can be claimed by the taxpayer as a dependent.

Choice “c” is incorrect, because the daughter is “qualifying child”. She is under 24 and is a full-time student. She therefore does not need to meet the gross income test.

Choice “d” is incorrect, because a niece is considered to be a relative, and as such does not need to reside with the taxpayer in order to be claimed as a dependent. She earns less than \$4,400 (2022), and so can be claimed by the taxpayer as a dependent.

【ポイント解説】

出題トピック	Dependents
対応する章	PART I 第4章

選択肢“b”：3親等以内の親族には「姻戚 (in-laws)」も含まれる。∴娘婿は、“Qualifying Relative (SINCRO)” の要件を満たしている。

選択肢“c”：納税者の娘で、24歳未満のフルタイムの学生であるため、“Qualifying Child (CARES)” の要件を満たしている。

選択肢“d”：「姪 (nieces：自分の兄弟姉妹の娘)」は3親等以内の親族である。∴姪は“Qualifying Relative (SINCRO)” の要件を満たしている。

消去法により、**選択肢“a”**：交換留学生在が正解となる。

<参考> 交換留学生在は、原則、米国居住者にはならないため、扶養家族として認められない。
Foreign students brought to U.S. under a qualified international education exchange program and placed in American homes for a temporary period generally are not residents and do not meet the citizenship test.

5. Gross Income - Inclusions

解答編

TIP ④ 特に「自営業者（個人事業主）の事業所得」に関する論点に関しては、Simulation 形式でより難易度が高い出題が行われている。

18. MCQ-01840

Choice "d" is correct. A cash basis taxpayer should report gross income for the year in which income is either actually or constructively received, whether in cash or in property.

Choice "a" is incorrect. Income also be constructively received in property - not only actually in cash.

Choice "b" is incorrect. Income also be constructively received - not only actually.

Choice "c" is incorrect. Income also be received in property - not only cash.

【ポイント解説】

出題トピック	Overall Accounting Method
対応する章	PART I 第5章

現金主義を採用している納税者は、実際に現金や現物を受領した年度またはみなし受領した年度に所得を認識する。

19. MCQ-14631

Choice "a" is correct. Alimony (received pursuant to a divorce agreement executed on or before 12/31/2018) is an item of gross income; child support is not. Alimony paid according to a divorce agreement executed after 12/31/2018 is neither taxable to the recipient nor deductible by the payor. Because this divorce was finalized in 2018, the alimony is included in gross income. Joe was to receive \$1,500 per month in alimony, for a total of \$18,000. Child support is non-taxable as are lump-sum property settlements made pursuant to a divorce. When total payments received do not equal the total due, the amounts are first allocated to child support. Thus, of the \$15,000 paid by Merrill, \$6,000 is first allocated to child support. The remaining \$9,000

would constitute alimony and would be taxable.

Choice "b" is incorrect. The \$15,000 must first be allocated between the types of payments received. Any amounts are first used to satisfy any child support requirement, and the remainder would be classified as alimony.

Choice "c" is incorrect. This answer includes both the \$9,000 (discussed above) and the property settlement (which is non-taxable).

Choice "d" is incorrect. This answer includes the total amount received, \$15,000 payments (child support and alimony) and the property settlement. Lump-sum property settlements are not taxable to the recipient in a divorce.

【ポイント解説】

出題トピック	Payment Pursuant to Divorce
対応する章	PART I 第5章

2018年12月31日までに締結した離婚同意書に従って受領した Alimony は課税対象となるが、Child support と Property settlement は非課税。
※現金一括払いは財産分与 (property settlement) として扱われるので注意しよう。

注(2)： Child support と Alimony 両方が支払われる場合で、「全額」支払いがなされなかった場合には、まず、Child support にあてられ、残りを Alimony として扱う。

本問の Joe 氏は、当年度中に Alimony と Child support として合計 \$24,000 を Merrill 氏から受領するはずだったが、合計 \$15,000 しか受領できなかった。Child support が優先されるため、Alimony として扱われるのは、**\$9,000**となる。

Alimony	\$1,500 × 12ヵ月 = \$18,000 → \$9,000
Child support	<u>\$500 × 12ヵ月 = \$ 6,000</u>
	\$24,000 → \$15,000

20. MCQ-04859

Choice "b" is correct. Tom & Sharlene's gross income is calculated as follows:

Tom's wages (給与収入)	\$ 67,000
Interest (利子収入)	\$ 1,500
Gain from sale (売却益)	\$ 15,000
Business income (事業所得)	\$ 32,500
Gross Income	\$ 116,000

Note: Sharlene's salary is not included as income as 100% of the net self-employment income is taxable to her. Her salary is considered an owner's draw and is not an allowable business deduction against the gross business income of the self-employment activity.

【ポイント解説】

出題トピック	Business Income or Loss
対応する章	PART1 第5章

自営業者の事業所得は Schedule C にて計算され、Gross business income \$35,000－Business expenses (\$500+\$2,000)=\$**32,500**となる。

※自営業者（個人事業主）自身に対する支払いは、一切控除不可。「事業主による資本の引き出し（owner's draw）」となるからである。本問では、Salaries paid to Sharlene \$10,000がこれに該当し控除不可。

<補足解説>

個人事業の場合は、事業主である自身へ「給料※」を支払うことはなく、売上－売上原価－事業経費＝「純利益」が自身の取り分となる。自身の取り分は、当然ながら、期末にならないと分からない。なお、個人事業が最終的に赤字となった場合には事業主の取り分はゼロである。

※本試験では、本問のように自営業者（個人事業主）自身への支払いを Salaries と表現していることがあるので注意が必要である。

■会社（普通法人）の役員と個人事業主の違い

会社：売上－売上原価－事業経費（役員報酬を含む）＝純利益に対して法人税が課される。

役員報酬を受領する経営者においては、その報酬に対して個人所得税が課される。役員報酬が経営者の取り分である。

個人事業主：売上－売上原価－事業経費＝純利益が事業主（経営者）の取り分となり、この金額に対して個人所得税が課される。

■事業主による資本の引き出し（Owner's draw）とは？

会社の場合その資本は株主（出資者；所有者）のものなので経営者が会社の資金を勝手に引き出すことはできないが、個人事業主は事業主取り分を期中に引き出せる（生活費にあてるため）。これが Owner's draw である。

Owner's draw は、（人件費：従業員に対する給与賃金のように）事業経費にはならず、事業主の所得でもない。事業主が事業主の取り分を“前借り”したようなイメージである。

<参考> 日本では、「事業主借」「事業主貸」という勘定を用いて記帳しているのが一般的である。

21. MCQ-04861

Choice "c" is correct. Taxable interest includes amounts received from general investment accounts as well as interest on federal obligations. Interest received from state and municipal bonds is not taxable.

【ポイント解説】

出題トピック	Interest Income
対応する章	PART1 第5章

連邦債（federal bond）の利息は、原則として、課税対象である。一方、地方債（municipal bond）の利息は、原則非課税。

本問の場合、課税対象となる利息は、地方債の利息を除き、\$1,000+\$2,050+\$750＝計**\$3,800**である。

<参考> Money market account とは、市場金利に連動した金利がつく預金口座のこと。

22. Becker Example

Choice "d" is correct. The taxability of dividends paid by a corporation to its shareholders is dependent upon the amount of the company's earnings and profits and the amount of capital invested by the shareholders. The rules are as follows:

To the extent of current earnings and profits	Ordinary Income
To the extent of accumulated earnings and profits	Ordinary Income
To the extent of investment (return of capital)	Non-taxable
In excess of capital investment	Capital Gain

Total capital invested as shown above is \$25,000. The remainder of the \$150,000 (or \$125,000) distributed is taxable as either a dividend (ordinary income) or capital gain to the shareholders who receive it.

Choice "a" is incorrect. Any amounts distributed equal to the current and accumulated earnings and profits of the corporation and any amounts in excess of the shareholders' investments would represent taxable amounts to the recipients, either as ordinary income or capital gain.

Choice "b" is incorrect. This answer identifies the accumulated earnings and profits as the only taxable amounts.

Choice "c" is incorrect. This answer took the total earnings and profits (\$75,000) plus the \$25,000 investment as the taxable amount. The \$25,000 principal amount invested by the shareholders would not be taxable, but all amounts in excess of it would be.

【ポイント解説】

出題トピック	Dividend Income
対応する章	PART I 第5章 PART IV 第6章

通常の分配において CEP 又は及び AEP からの分配を、「Dividend (利益の配当) = Ordinary income (通常所得)」として扱う。

分配額 \$150,000	}	残り	→ (c) Capital gain	\$50,000
		Stock basis	→ (b) Return of capital	\$25,000
		E&P	→ (a) Dividend	\$75,000

23. MCQ-05293

RULE: If a vacation residence is rented for less than 15 days per year, it is treated as a personal residence. The rental income is excluded from income, and mortgage interest (first or second home) and real estate taxes are allowed as itemized deductions. Depreciation, utilities, and repairs are not deductible.

Choice "a" is correct. Applying the RULE above, if a vacation residence is rented for less than 15 days per year, it is treated as a personal residence. The rental income (\$2,500 in this case) is excluded from income. A Schedule E is not filed for this property (i.e., no income is reported, the taxes are reported as itemized deductions, and the maintenance and utilities are not deductible), so the effect on AGI is zero.

Choice "b" is incorrect. This assumes that the property taxes are reported as itemized deductions but that the rental income (\$2,500) less the maintenance and utilities (\$2,000) are reported net on Schedule E. Per the above RULE, the rental income is excluded from income, and the maintenance and utilities are not deductible.

Choice "c" is incorrect. This assumes that all of the items shown are reported net on the Schedule E—\$2,500 – \$1,000 – \$2,000 = (\$500). Per the above RULE, the rental income is excluded from income, the maintenance and utilities are not deductible, and the property taxes are reported on Schedule A as an itemized deduction.

Choice "d" is incorrect, per the above RULE and discussion.

【ポイント解説】

出題トピック	Rental Income or Loss
対応する章	PART I 第5章

別荘の賃貸 (rental of vacation home) について。賃貸した期間が年間15日に満たない (10 days) ため、「個人使用の住宅 (personal residence)」として扱われ、\$2,500を申告する必要はない。自宅・別荘の修繕費、水道光熱費、減価償却費等は控除不可。

∴ Barkely 氏の AGI は\$0が正解となる。

※自宅・別荘の固定資産税は AGI の下 (Itemized deduction) で控除可。

24. MCQ-01428

Choice "c" is correct. Because the second property was personally used more than 14 days, any net loss from the rental of the property will be disallowed. All related expenses must be prorated between the personal use portion and the rental activity portion. Prorated depreciation is permitted for the rental activity.

【ポイント解説】

出題トピック	Rental Income or Loss
対応する章	PART1 第5章

別荘の賃貸 (rental of vacation home) について。まず、自己使用が年間14日超 (50 days) である。さらに賃貸した期間が15日以上 (200 days) であるため、その賃貸収入を Schedule E にて申告する。別荘に関して支払った費用のうち、賃貸活動の経費となる費用項目 (例: 修繕費、水道光熱費、減価償却費) は期間按分し、“賃貸使用分”のみ Schedule E にて控除可。なお、賃貸使用分 (rental use expenses) は、その年度の賃貸収入 (rental income) を上限として控除が認められる。
∴ **選択肢”c”**のみ、正しい。

25. MCQ-14627

Choice "c" is correct. Among the requirement for payments to be classified as alimony are the following:

1. Payment must be in cash or its equivalent.
2. Payments cannot extend beyond the death of the payee-spouse.

Note: The requirements for payments to be considered alimony (income) are the same as for payments to be alimony (deductions). Under the Tax Cut and Jobs Act of 2017, alimony paid is not deductible and alimony received is not considered taxable income for all divorce or separation agreements executed after 12/31/2018.

【ポイント解説】

出題トピック	Payment Pursuant to Divorce
対応する章	PART1 第5章

2018年12月31日までに締結した離婚同意書に従って支払う Alimony は、AGI の上 (above the line deduction) で控除可。その代わり、Alimony の受領者は課税される。

税法上 Alimony として扱われるための要件として、以下の2つは必ずおさえておこう。

- ・ **定期的な現金**による支払いであること。
 - ・ 受領者である配偶者の死亡により、支払いが終了すること。
- ∴ **選択肢”c”** : **Both I and II** が正解となる。

26. MCQ-01438

Choice "a" is correct. Uniform Capitalization rules provide guidelines with respect to capitalizing or expensing certain costs. With regard to inventory, direct materials, direct labor, and factory overhead should be capitalized as part of the cost of inventory. Warehousing costs, quality control, and taxes, excluding income taxes, are all considered factory overhead items. The research should be expensed.

【ポイント解説】

出題トピック	Business Income or Loss
対応する章	PART1 第5章

Capitalized as Inventory

- ・ Direct materials
- ・ Direct labor
- ・ Factory overhead

Period Expense

- ・ SGA
- ・ **R&D** : **選択肢”a”**
- ・ Marketing
- ・ Advertising

27. MCQ-01472

Choice "b" is correct. Baker can deduct \$1,200 as educational expenses on Baker's Form 1040 Schedule C, calculated as follows:

Direct educational expenses \$ 700 [cost of the course]
Daily expenses for 5-day seminar 500 [\$100 per day x 5]
Total educational expenses **\$ 1,200**

Rule: If foreign travel is primarily for personal in nature (e.g., a vacation), none of the travel expenses (e.g., round trip airfare) incurred will be allowable business deductions, even if the taxpayer was involved in business activities while in the foreign country.

Note: It does not appear that the examiners are attempting to trick candidates on the classification of the business expenses as travel or educational. It appears that the purpose of the question is to test the candidate's ability to recognize when expenses are deductible and when they are not deductible business expenses.

Choice "a" is incorrect, as the expenses for the 5-day period Baker attended the seminar were directly related to being in Spain for the additional period of time and are allowable business deductions. Choices "c" and "d" are incorrect, per the above rule.

【ポイント解説】

出題トピック	Business Income or Loss
対応する章	PART I 第5章

自営業者は、事業に関連した教育費を Schedule Cにおいて事業経費として控除可。

本問はビジネス出張とプライベート旅行を合わせて行ったケースであるが、海外出張の場合、プライベート旅行が一部含まれていたとしても、旅費交通費の事業関連部分（※按分要）が控除の対象となる。ただ、Backer 氏のケースは主たる目的がプライベート旅行だと言えるため、飛行機代は一切控除しないという解答になっている。

28. MCQ-12704

Choice "c" is correct. Net operating losses arising in 2021 and beyond can be carried forward indefinitely. Note that the net operating loss utilized in one tax year is limited to 80% of taxable income.

Choices "a", "b", and "c" are incorrect based on the above explanation.

【ポイント解説】

出題トピック	Business Income or Loss
対応する章	PART I 第5章

2021年度及び以降に生じた NOL は、翌年以降、「無期限」に繰越しが可能で、将来の課税所得 (taxable income) と相殺することができる (将来の課税所得の計算上控除をとり将来の税額を減少させることができる)。但し、繰越された年度の課税所得 (当該 NOL 繰越控除前) の80%が上限として控除 (相殺) することが認められる。

※本試験でも、本問のように“年度”が与えられ税法上の取扱いを判別することになる。

29. MCQ-01564

Choice "c" is correct. Interest earned on Series EE bonds may qualify for exclusion. One requirement is that the interest is used to pay tuition and fees for the taxpayer, spouse, or dependent enrolled in higher education. The interest exclusion is reduced by qualified scholarships that are exempt from tax.

【ポイント解説】

出題トピック	Interest Income
対応する章	PART I 第5章

Series EE bonds の利息は、その償還金 (利息を含む) を納税者本人、配偶者、扶養家族の高等教育費の支払いにあてることを条件として、非課税扱いが認められている。奨学金 (scholarship) 等を受領したため償還金を「全額」高等教育費に用いなかった場合には、その金額に対応する利息部分は非課税扱いが受けられないので注意しよう。

∴選択肢“c”：Both I and II が正解となる。

30. MCQ-01568

Choice "a" is correct. Interest income from U.S. obligations is generally taxable. Interest income on a federal tax refund is taxable, even though the refund itself is not taxed.

Choice "b" is incorrect. Interest income on a federal tax refund is taxable, even though the refund itself is not taxed.

Choice "c" and "d" are incorrect. Interest income from U.S. obligations is generally taxable. Interest income on a federal tax refund is taxable, even though the refund itself is not taxed.

【ポイント解説】

出題トピック	Interest Income
対応する章	PART I 第5章

連邦債 (federal bond) の利息は、原則として、課税対象となる。※頭に U.S. が付いているので、連邦債 (国債) だと分かる。

還付金に付される利息は、連邦所得税 (federal income tax) の還付金に付される利息であろうが、州の所得税 (state income tax) の還付金に付される利息であろうが、いずれも課税対象となるので注意しよう。本問の場合、課税対象となる利息は、\$4,000 + \$500 = 計\$4,500である。

31. MCQ-01609

Choice "c" is correct. The \$200 cash received plus the \$350 fair market value of the bookcase received must be included in income by Perle, for a total of \$550. The income is based on the value in money or fair market value of property received by Perle, not the \$600 billed.

Choice "a" is incorrect. Perle must report taxable income as a result of this transaction.

Choice "b" is incorrect. The \$350 fair market value of the bookcase received is also income for Perle.

Choice "d" is incorrect. The income is based on the total value received by Perle, not the \$600 billed.

【ポイント解説】

出題トピック	Compensation for Services
対応する章	PART1 第5章

報酬を現物（property）で受領した場合、受領日における **FMV** で評価され、課税対象となる。現金\$200+現物\$350=計**\$550**が正解である。請求額の\$600ではないので注意しよう。

32. MCQ-01571

Choice "c" is correct. The amount of social security benefits that is taxed is dependent on whether the combined income (AGI plus interest on tax-exempt bonds and 50% of the social security benefits) is greater than a threshold amount. If the combined income is less than the threshold, the amount taxed is the lesser of 1) 50% of the benefits or 2) 50% of the excess of the combined income over the threshold. If the combined income is greater than the threshold, the amount taxed is the lesser of 1) amount calculated above plus 85% of the excess of the combined income over the threshold or 2) 85% of the benefits. Thus, 85% of the benefits is the maximum amount of benefits that may be included in gross income.

【ポイント解説】

出題トピック	Social Security Benefit
対応する章	PART1 第5章

Social security benefit は、AGI に一定の調整を加えた "provisional income" (= AGI + tax-exempt interest + 50% of social security benefit) の大き

さに応じて課税対象となる割合（%）が定められている。どんなに高額所得者であろうとも、最高で給付額の85%が課税対象となる。

33. Becker Example

Choice "a" is correct. Deductions to arrive at net self-employed income include all necessary and ordinary expenses connected with the business. Estimated federal income tax payments are not an expense. Charitable contributions by an individual are only deductible as an itemized deduction on Schedule A.

Receipts	\$ 20,000
Parts	(2,500)
Listing	(2,000)
Telephone	(400)
Net self-employment income	<u>\$ 15,100</u>

Choice "b" is incorrect. Charitable contributions are an itemized deduction unless there is an expectation of commensurate financial return.

Choice "c" is incorrect. Federal income taxes paid are not a deductible expense.

Choice "d" is incorrect. Charitable contributions are an itemized deduction unless there is an expectation of commensurate financial return. Federal income taxes paid are not a deductible expense.

【ポイント解説】

出題トピック	Business Income or Loss
対応する章	PART1 第5章

自営業者の事業所得は、Schedule Cにおいて計算される。自営業者の費用については、まず、Schedule C において事業経費として控除できるかできないかを判別することがポイントであるが、Schedule Cではなく Above the line deduction、Itemized deduction で控除できる費用もあるので注意が必要である。

具体的には、以下の項目に要注意！

- 連邦所得税（federal income tax）は、一切控除できない。
- 自営業者が行った寄付は、Schedule C ではなく、Schedule A で控除可。

34. MCQ-01614 / 05979

Choice "d" is correct. Prepaid rent is income when received even for an accrual-basis taxpayer. The \$30,000 received as consideration for canceling the lease is in substitution for rental payments and is thus rental income. The \$5,000 prepaid for the last month's rent is also rental income.

Choice "a" is incorrect. The \$30,000 received as consideration for canceling the lease is in substitution for rental payments and is thus rental income. The \$5,000 prepaid for the last month's rent is also rental income.

Choice "b" is incorrect. The \$30,000 is in substitution of rental payments and is thus rental income.

Choice "c" is incorrect. The \$5,000 prepaid for the last month's rent would also be rental income.

【ポイント解説】

出題トピック	Rental Income or Loss
対応する章	PART I 第5章

Nare 氏は11月1日に Pine 氏とリース契約を締結し、11月・12月分の家賃とリース期間の最終月の家賃（前受家賃）を受領している。

前受家賃（prepaid rent）は、たとえ発生主義を用いている納税者であっても、現金受領年度の賃貸収入に含まれ課税対象となる。

なお、リース契約の解約料（lease cancellation payment）は、賃貸収入として課税対象となる。

∴ $\$30,000 + \$10,000 + \$5,000 = \text{計}\$45,000$ 。

35. MCQ-01620

Choice "b" is correct. Alimony paid pursuant to a divorce or separation agreement executed before 12/31/2018 would be income to Mary while child support would not. Funds qualify as child support only if 1) a specific amount is fixed or is contingent on the child's status (e.g., reaching a certain age); 2) it is paid solely for the support of minor children; and 3) it is payable by decree, instrument, or agreement. The actual use of the funds is irrelevant to the issue. In this case, \$2,000 (20% × \$10,000) qualifies as child support. The other \$8,000 is alimony, which would be income to Mary. Note that for all divorce or separation agreements executed after 12/31/2018, the alimony is neither

taxable to the recipient nor deductible by the payor. Choice "a" is incorrect. Take 80% of the \$10,000 paid, not 80% of the \$7,000 received by Mary. Choice "c" is incorrect. Only \$8,000 would be alimony per the divorce decree (80% × \$10,000). Choice "d" is incorrect. The 20% reduction when the child turns 18 makes 20% of the \$10,000 payment, or \$2,000, child support, which is nontaxable to Mary.

【ポイント解説】

出題トピック	Payments Pursuant to Divorce
対応する章	PART I 第5章

2018年12月31日までに締結した離婚同意書に従って受領した Alimony は課税対象となるが、Child support は非課税である。

注(1)：離婚同意書において Child support の額が明記されていない場合であっても（または、Alimony と Child support が区別されずに支払われている場合であっても）、**未成年の子供が特定の年齢に達する、結婚する、就職する等によって減額する等の条件が付されている場合には、その減額されることになっている部分を、税法上 Child support として扱うことになる。**

本問では、Mary 氏が元夫から受領した\$10,000のうち、子供が18歳に達した時点で減額されることになっている\$2,000 ($\$10,000 \times 20\%$) は、Child support となる。残り**\$8,000**が Alimony。
※支払いの内容で判断しよう！

36. MCQ-01636

Choice "b" is correct. Except for interest from state and local government bonds, interest income is fully taxable, so the \$10 is included in income. Clark did not itemize last year, and therefore, did not deduct any state income taxes last year. Under the tax benefit rule, the refund is not taxable this year since Clark did not deduct the tax last year.

【ポイント解説】

出題トピック	Tax Refund
対応する章	PART I 第5章

次のページに続く . . .

前年度に Standard deduction を選択していた場合戻ってきた前年度の州の所得税の還付金を今年度のGIに含める必要はない。なぜなら、前年度に Standard deduction を選択しているため前年度に納めた州の所得税を控除しておらず、前年度の税額を減らしていないから。

※もし前年度に Itemized deduction を選択し州の所得税を全額控除していた場合、戻ってきた前年度の州の所得税の還付金は GI に含められ課税対象となる。州の所得税の還付金自体は、「タックス・ベネフィット・ルール (tax benefit rule)」によりその扱いが異なるので注意しよう。

一方、還付金に付される利息は、連邦所得税の還付金に付される利息であろうが、州所得税の還付金に付される利息であろうが、いずれも、GI に含められ課税対象となる。

∴本問の場合、課税対象となるのは利息**\$10**のみである。

37. MCQ-04721

Choice "c" is correct. The wages of \$18,000 and unemployment compensation of \$3,900 are both includable in gross income on Adler's current year income tax return.

Choice "a" "b" "c" are incorrect. Municipal bond interest income is excluded from gross income and the unemployment compensation must be included in gross income.

【ポイント解説】

出題トピック	Unemployment Compensation
対応する章	PART1 第5章 PART1 第6章

失業保険給付金 (unemployment compensation) は、「全額」課税対象となる。本問では、地方債の利息を除き \$18,000 + \$3,900 = **計\$21,900**が正解となる。

38. MCQ-04756

Choice "c" is correct. Generally, the fair market value of prizes and awards is taxable income. However, an exclusion from income for certain prizes and awards applies where the winner is selected for the award without entering into a contest (i.e., without any action on their part) and then assigns the award directly to a governmental unit or charitable organization. So, conditions "I" and "II" must be met in order for Ken to exclude the award from his gross income.

【ポイント解説】

出題トピック	Prize & Awards
対応する章	PART1 第5章

一定の功績に対する賞金は、政府組織または慈善団体等に「直接」寄付されたのであれば、非課税。さらに非課税の要件として、受賞者が何らかのコンテスト等に参加して受賞したものではないこと。
∴**選択肢" c" : Both I and II**が正解となる。

39. MCQ-04760

Choice "c" is correct. The facts state that cash collections from customers were \$100,000 and as a cash basis taxpayer this is the amount of Mosh's gross taxable income for the year. Note that according to the formula BASE - we can determine the amount of sales = \$90,000, but that would give us accrual, not cash basis, income.

Beginning A/R	\$ 25,000	
Add - Sales	90,000	発生主義のTaxable income
	115,000	
Subtract - Cash collections	(100,000)	現金主義のTaxable income
Ending A/R	\$ 15,000	

Choice "a" and "d" are incorrect as above. Choice "b" is incorrect. \$90,000 is the amount of sales that would be Mosh's taxable income if Mosh were an accrual basis taxpayer.

【ポイント解説】

出題トピック	Business Income or Loss
対応する章	PART1 第5章

現金主義採用の自営業者の事業所得の計算であるが、BASE というニーモニックを用いて財務会計 (FAR) で学習したとおりである。

40. MCQ-05267

RULE: Gross income includes all income unless it is specifically excluded in the tax code.

Choice "d" is correct. Wages and all unemployment compensation are not excluded from being taxable; therefore, there are included in the taxpayer's gross income for tax purposes.

Wages received	\$ 35,000
State unemployment compensation	6,400
Employer's unemployment compensation plan	<u>2,000</u>
Gross income	<u>\$ 43,400</u>

Choice "a" is incorrect. All forms of unemployment compensation are included as part of gross income.

Choice "b" is incorrect. The \$6,400 of state unemployment compensation received is included as part of gross income.

Choice "c" is incorrect. The \$2,000 of his former employer's company-paid supplemental unemployment benefit plan is included as part of gross income.

【ポイント解説】

出題トピック	Unemployment Compensation
対応する章	PARTI 第5章 PARTI 第6章

大原則として、GI には、税法で特に除外されない限り、すべての所得が含まれる。

失業保険給付金 (unemployment compensation) は、「全額」課税対象となる。一方、労災補償 (worker's compensation) は、原則非課税なので注意しよう。

41. MCQ-05279

RULE: An accruable expense is one which the services have been received/performed but have not been paid for by the end of the reporting period.

Choice "b" is correct. The facts indicate that a repair was completed prior to year end but not yet invoiced. If it has not yet been invoiced, it is assumed that it has also not yet been paid for. Therefore, this is a situation in which the repair expense would be accrued at year end.

Services have been performed, but they have not been paid for, as they have not even been invoiced yet.

Choice "a" is incorrect. If the repair was completed after year end, then the expense is not accruable, as the benefit of the services hasn't been received as of year end. The fact that the repair was invoiced prior to year end does not impact the situation. Choice "c" is incorrect. If a repair was completed and paid for prior to year end, no accrual is appropriate. On the accrual basis, the expense is taken in the year the repair is completed and the benefit is received. In this case, the account payable was also paid in the same year, but this has no effect on the expense. Choice "d" is incorrect. The facts indicate that the work is to be completed at a date later than year end. Therefore, the expense is not accruable at year end, as the benefit of the repair hasn't been received as of year end. It is reasonable that a signed contract for the repair work exists, but this has no effect on the accrual.

【ポイント解説】

出題トピック	Overall Accounting Method
対応する章	PARTI 第5章

期末における未払費用に関する問題であるが、財務会計 (FAR) で学習したとおりである。

42. Becker Example

Choice "c" is correct. The bond's basis is reduced by the amortization of the premium. Choice "a" is incorrect. The amortization of the premium is an offset to interest income on the bond rather than a separate interest deduction (itemized deductions). Choice "b" is incorrect. The amortization of the premium will reduce taxable income. Choice "d" is incorrect. The bond's basis will be decreased by the amortization.

【ポイント解説】

出題トピック	Interest Income
対応する章	PART1 第5章

社債の購入者は、そのプレミアム部分を、選択により、償却することができる。税法上の償却方法としては、定率利回法（constant yield method）がある。定率利回法とは、購入時の利回りで償却する方法をいう。プレミアムの償却額は、課税対象となる受取利息（interest income）から直接控除することができる。なお、社債のbasisは、その分減少する。∴**選択肢"c"**が正解となる。

43. MCQ-01823

Choice "a" is correct. One of the conditions that must be met for tax exemption of accumulated interest on the bonds is that the purchaser of the bonds must be the sole owner of the bonds (or joint owner with his or her spouse). Choice "b" is incorrect. The bonds must be bought and put in the name of the owner or co-owner, not in the name of the dependent child. Choice "c" is incorrect. The owner must be at least 24 years old before the bonds issue date. Choice "d" is incorrect. There is no requirement that the bonds must be transferred to the college for redemption by the college rather than by the owner of the bonds.

【ポイント解説】

出題トピック	Interest Income
対応する章	PART1 第5章

Series EE bonds の利息は、その償還金（利息を含む）を本人、配偶者、扶養家族の高等教育費の支払いにあてることを条件として、非課税。

さらに下記のような条件がある。

- There is taxpayer or joint ownership with spouse;
納税者本人が所有、または配偶者との共同所有であること。∴**選択肢"a"**が正解となる。
- The taxpayer is age 24 (or over) when the bonds are issued; and
債券の発行時において、購入者が24歳以上であること。
- The bonds are acquired after 1989.
1989年以降に発行された債券であること。

44. Becker Example

Choice "a" is correct. I only.

RULE: The uniform capitalization rules apply to the following:

1. Real or tangible personal property produced by the taxpayer for use in a trade or business.
2. Real or tangible personal property produced by the taxpayer for sale to customers.
3. Real or personal property acquired by the taxpayer for resale.
4. However, the uniform capitalization rules do not apply to property acquired for resale if the taxpayer's annual gross receipts for the preceding three tax years do not exceed **\$27 million** (not \$2 million).

Choices "b", "c", and "d" are incorrect, per the above.

【ポイント解説】

出題トピック	Business Income or Loss
対応する章	PART1 第5章

UNICAP ルールは主に「製造業者」や「販売業者」の棚卸資産に適用される。但し、直近3年間の平均年間総収入が2,700万ドル（**\$27 million**）を超えない小規模事業者には、このルールは適用されない。

45. MCQ-15620

Choice "b" is correct. The net unearned income of a dependent child under 18 is taxed at the parent's marginal rate under the "kiddie tax" rule. Net unearned income is calculated by taking the child's unearned income and reducing it by the dependent child's allowable standard deduction of \$1,150 (2022) plus an additional \$1,150 (which is taxed at the child's marginal tax rate). Chris' net unearned income taxed at his parents' marginal rate is \$700 (\$3,000 interest income – \$1,150 standard deduction – \$1,150 taxed at child's marginal rate).

Choice "a" is incorrect. The \$0 indicates that nothing is taxed at the parents' marginal rate. Taxing net unearned income at the parents' marginal rate is the whole idea of the "kiddie tax." Choice "c" is incorrect. The \$1,850 uses only the \$1,150 standard deduction, but the next \$1,150 would be taxed at the child's marginal rate. Choice "d" is incorrect. The \$3,000 indicates that the entire \$3,000 interest income is taxed at the parents' marginal rate.

【ポイント解説】

出題トピック	Unearned Income of the Applicable Child (Kiddie Tax)
対応する章	PART I 第5章 PART I 第10章

2022年度において、親の扶養家族である18歳未満の子供（または24歳未満のフルタイムの学生でその勤労所得が自身の生活費の50%を超えていない子供）の不労所得 (unearned income) が \$2,300（＝扶養家族のstandard deduction \$1,150 + \$1,150）を超える場合には、子供の申告書上、超過部分については「その親と同じ税率（親の限界税率）」が適用されることになる。

※ Becker英文解説内の用語説明

子供の純不労所得 (net unearned income) とは、子供の不労所得から\$2,300を差し引いた金額をいう。

本問では、利子所得\$3,000－\$2,300＝\$700に対して子供の申告書上、親の限界税率が適用される。

46. MCQ-08784

Choice "d" is correct. Alimony paid to a former spouse based on a divorce agreement executed on or before 12/31/18 is an adjustment to gross income.

Choice "a" is incorrect. Child support paid to a former spouse is never an adjustment to AGI. Choice "b" is incorrect. Child support paid to a former spouse is never an adjustment to AGI. Choice "c" is incorrect. Alimony paid to a former spouse based on a divorce agreement executed after 12/31/18 is not an adjustment to AGI.

【ポイント解説】

出題トピック	Payments Pursuant to Divorce
対応する章	PART I 第5章 PART I 第9章

2018年12月31日までに締結した離婚同意書に従って支払うAlimonyはAGIの上で控除の対象となるが、Child supportとProperty settlementは控除できない。∴選択肢"d"が正解となる。

(注) 2019年1月1日以降に締結または改定した離婚同意書に従って支払うAlimonyは控除できず、受領者は非課税となる（要は、Child supportとProperty settlementと同じ扱いとなる）。

※本試験でも、本問のように“年度”が与えられ税法上の取扱いを判別することになる。

47. MCQ-01999

Choice "a" is correct. A gain from an illegal activity is includible in income. To determine the gain, a deduction is permitted for cost of merchandise. Business expenses, other than the cost of merchandise, are not permitted as deduction for operating an illegal business. Choices "b", "c", and "d" are incorrect. Each of these answers does not answer either I or II correctly.

【ポイント解説】

出題トピック	Illegal Income
対応する章	PART I 第5章

違法な所得 (illegal income) であっても課税される。違法な麻薬取引からの所得を計算する上で、売上原価以外の事業経費は控除することはできない。∴**選択肢"a"** : I only が正解となる。

48. TAC Original

Choice “c” is correct. All of the dividends received from stock holdings are part of dividend income. Whether the stocks are common or preferred; whether the dividends are from a public or a private company, is irrelevant. The dividend from the insurance company is treated as a reduction in the cost of insurance (i.e., premium return). Therefore, dividend income is \$17,900 (\$1,400 + \$16,000 + \$500).

【ポイント解説】

出題トピック	Dividend Income
対応する章	PART I 第5章

満期前の生命保険契約からの配当は、払い込んだ保険料の合計額に達するまで「保険料の払戻し (premium return ; return of capital)」とみなされ、非 (不) 課税。

本問では、\$100の生命保険契約からの配当を除き、 $\$1,400 + \$16,000 + \$500 = \text{計}\$17,900$ が正解となる。

49. TAC Original

Choice “d” is correct. Alimony must be paid in cash and be received by the ex-spouse or his/her representative. Lump-sum cash payment is not alimony.

【ポイント解説】

出題トピック	Alimony
対応する章	PART I 第5章

税法上、Alimony として扱われるための要件の一つとして、定期的な現金による支払いであること。

※ 現金一括払いは Alimony ではない。

※ 元配偶者のための第三者への定期的な支払いも、他の要件を満たしていれば、Alimony として扱われる。例：元配偶者の大学の授業料

本問では、元配偶者への年間現金支払額**\$5,000**のみが Alimony として扱われる。

息子の授業料の支払いは Child support となる。
\$150,000一括払いは Property settlement となる。

50. TAC Original

Choice “c” is correct. Stock dividends are not generally included in taxable income. However, if a shareholder has the option of receiving either cash or stock, the dividend must be included in taxable income even if they elect to receive the stock dividend. The issuance of preferred stock dividends is only taxable to common stock shareholders if some common shareholders receive preferred shares as dividends and others receive common stock.

【ポイント解説】

出題トピック	Dividend Income
対応する章	PART I 第5章

株式配当は原則非課税。但し、株主に現金配当などを受領する選択権 (option) があつた場合には、受領した株式配当のFMVで課税対象となる。

∴ **選択肢“c”**が正解となる。

51. TAC Original

出題トピック	Business Income or Loss
対応する章	PARTI 第5章 PARTI 第10章

現金主義採用の自営業者の設定である。

1) Choice “b” is correct. As a cash-method taxpayer, Paula must recognize all cash received in 20X3. Therefore, she must recognize all cash received for services completed during the prior year, as well as for those completed during the current year. However, she need not recognize any income for services for which she has not been paid (that is, for which she does not have constructive receipt of payment) at the end of the tax year. Thus, Paula’s total income for 20X3 is:
現金主義：事業収入合計（20X3年受領分）

= \$120,000
+ \$20,000
= \$140,000

2) Choice “a” is correct. Generally, payments are deductible in the year in which they are paid. Therefore the salaries paid in 20X3 and are deductible in the current year, but those incurred but not paid until 20X4 will not be deductible until the following tax year. Interest expense paid in advance is not generally deductible until the interest expense is actually incurred. Therefore, the amount of interest expense which is pre-paid for the following year is not deductible until 20X4. Thus, Paula’s total deductible business expenses for 20X3 are:

現金主義：事業経費合計（20X3年支払い分）
= 人件費\$20,000
+ 支払利息\$2,000 ※前払利息\$1,000を除く。
+ その他経費\$5,000
= \$27,000

※前払利息 (prepaid interest exp.) は、現金主義・発生主義に関わらず、対応する期に配分して控除する (Vol.1テキスト187ページ参照のこと)。

※「事業上の支払利息 (business interest expense) に対する控除制限」は、直近3年間の平均年間総収入が2,700万ドル (**\$27 million**) を超えない小規模事業者には適用されない (つまり、事業上の借入金の支払利息を全額控除可)。詳細は、PARTIV：Corporation で学習する。

6. Gross Income - Exclusions

解答編

TIP 課税 vs. 非課税所得の判別は、問題を解く際に、TAX 直前対策まとめ p.6と p.7の左右どちらのページにあるのかをいちいち確認していくと視覚的に覚えられる。

52. Becker Example

Choice "d" is correct. In general, gross income means all income from whatever source unless specifically excluded by a provision in the Internal Revenue Code. Scholarship monies used for qualified expenditures such as tuition, books, fees and supplies (not room and board) are excludable from income, provided the student is degree-seeking.

Choice "a" is incorrect. Prizes and awards received are excludable only where the recipient assigns the award directly to a governmental unit or qualified charity.

Choice "b" is incorrect. Certain types of interest income are excludable, such as interest earned on tax-exempt bonds issued by state and local governments. General interest earned on deposits is includable in income.

Choice "c" is incorrect. All monies received as compensation for services are includable in gross income.

【ポイント解説】

出題トピック	Scholarship
対応する章	PART1 第5章 PART1 第6章

学位取得（degree）のための奨学金は、授業料、書籍代、その他関連費用に使用した割合分だけ（**NOT room & board**）、非課税。

選択肢"d"：学位取得のための奨学金\$12,000は授業料の支払いに使用するので、全額非課税。

選択肢"a"：賞金は原則課税対象となる。

選択肢"b"：定期預金の利息は、GIの大原則の通り、課税対象である。

選択肢"c"：賞与（パフォーマンス・ボーナス）は課税対象である。

53. Becker Example

Choice "a" is correct.

Refund of state taxes	\$ 1,500
Compensation	\$ 37,000
Interest from U.S. Treasury cert.	\$ 250
Excess reimbursement	\$ <u>2,750</u> [\$8,000 – \$5,250 maximum]
	\$ 41,500

Gross income includes all income from whatever source unless specifically excluded by the Internal Revenue Code. The refund of previously deducted state income tax is includable in income under the tax benefit rule. If an item of income previously was deducted (i.e., the taxpayer received the benefit of the deduction), it must be reported in income when refunded. Employee compensation is compensation for service and includable in gross income. Interest on U.S. Treasury certificates is includable in income (don't confuse them with state-issued obligations). Life insurance proceeds are excluded from the gross income of the beneficiary. Employer-paid premiums on less than \$50,000 of life insurance coverage are considered a non-taxable fringe benefit (only premiums on greater than \$50,000 of coverage are taxable). Finally, employer-paid educational expenses of up to \$5,250 can be excluded from income if paid for both undergraduate and graduate level education. Amounts in excess of this threshold would be included in income.

Choice "b" is incorrect. This answer includes the state tax refund, employee compensation, interest income, life insurance proceeds, and the value of the employer-provided insurance coverage. The life insurance proceeds and the employer-provided insurance coverage should not have been included.

Choice "c" is incorrect. This answer includes only the compensation and interest. The excess reimbursement and the refund of previously deducted state taxes must also be included. Choice "d" is incorrect. This answer includes the refund of previously deducted state income taxes, compensation, and interest, but does not include the excess reimbursement.

【ポイント解説】

出題トピック	GI全般
対応する章	PARTI 第5章 PARTI 第6章

6つの項目について、課税対象 vs. 非課税を判別する。特に注意が必要な点は下記のとおり。

- 前年度に控除をとった州の所得税の還付金は、タックス・ベネフィット・ルール (tax benefit rule) により、課税対象。
- 給与は課税対象。
- 連邦債の利息は課税対象。
- 死亡を原因として受領した生命保険金 (life insurance proceed) は、原則非課税。
- 雇用主により支払われた団体生命保険料 (life insurance premium) は、\$50,000までの保険金に対応する保険料部分に限り非課税。
- 雇用主により支払われた教育費は、年間\$5,250を限度に非課税。

よって、 $\$1,500 + \$37,000 + \$250 + (\$8,000 - \$5,250) = \text{計}\$41,500$ が正解となる。

54. MCQ-01387

Choice "d" is correct. An individual receiving common stock for services rendered must recognize the fair market value as ordinary income. Any dividends received on that stock would also result in income recognition.

Choice "a" is incorrect. Employer-provided medical insurance is a tax-free fringe benefit. Choices "b" and "c" are incorrect. Gifts and inheritances are both tax-free to the recipient. (Remember tax is often paid by the person giving the gift or the estate at death.)

【ポイント解説】

出題トピック	GI全般
対応する章	PARTI 第5章 PARTI 第6章

選択肢"a"：雇用主により支払われた医療保険料 (medical insurance premium) は、原則非課税。

選択肢"b"：贈与による資産の受領は、GI から除外される。贈与により資産を取得しても、受領者側 (donee) で所得税が課されることはない。

※ PART III で学習する内容ではあるが、連邦贈与税は、生存中に行った資産の移転に対して課される税金である。贈与者 (donor) が連邦贈与税を支払うことになる。

選択肢"c"：相続による資産の受領は、GI から除外される。相続により資産を取得しても、受領者側 (donee) で所得税が課されることはない。

※ 連邦相続税も、死亡時における資産の移転に対して課される税金である。故人 (decedent) の代わりに、遺産財団の代表者 (i.e., executor) が連邦相続税を支払うことになる。

選択肢"d"：配当収入は、GI に含められ課税対象となる。

※ PART IV Corporation 第1章で学習する内容ではあるが、サービス (人的役務) を提供 (出資) して株式を取得した場合、その取得した株式の FMV で報酬 (compensation income) を認識しなければならない。要は、これも報酬の現物支給である。

55. MCQ-01442

Choice "b" is correct. The total amount that must be included in gross income is \$13,350 (\$13,000 in wages plus \$350 in interest income on U.S. Treasury bonds).

RULE: Wages and interest on U.S. Treasury bonds are includible in gross income and must be reported as part of gross income on a taxpayer's income tax return.

RULE: Damages for personal injury (i.e., workers' compensation for a job-related injury) are specifically excluded from gross income.

Choices "a", "c", and "d" are incorrect, per the above rules.

次のページに続く . . .

【ポイント解説】

出題トピック	GI全般
対応する章	PART1 第5章 PART1 第6章

労災補償 (worker's compensation) は、原則非課税なので注意しよう。

労災とは、雇用主が従業員の職務中 (※職場の敷地内に限定されない) の事故、病気、死亡などに備えて加入する保険をいう。

本問の場合、 $\$13,000 + \$350 = \text{計}\$13,350$ が正解となる。

56. MCQ-01482

Choice "b" is correct. Scholarships are nontaxable for degree seeking students to the extent that the proceeds are spent on tuition, fees, books and supplies. The \$5,000 for teaching courses is taxable compensation for services delivered.

Choice "a" is incorrect. The \$5,000 for teaching courses is taxable compensation for services delivered.

Choice "c" is incorrect. The scholarship is not taxable because Klein is a degree seeking student and used the proceeds for tuition and fees.

Furthermore, the \$5,000 for teaching courses is taxable compensation for services delivered.

Choice "d" is incorrect. The scholarship is not taxable because Klein is a degree seeking student and used the proceeds for tuition and fees.

【ポイント解説】

出題トピック	Scholarship
対応する章	PART1 第6章

学位取得 (degree) のための奨学金は、授業料、書籍代、その他関連費用に使用した割合分だけ (not room & board)、非課税。

本問の場合、授業料の支払いに使用した\$12,000の奨学金は非課税。一方、労働の対価として受領した\$5,000については、たとえ名目上は奨学金であったとしても、給与所得として課税される。

57. MCQ-01485

Choice "c" is correct.

- I. A payment to a student for a part-time teaching assignment is taxable income just as a payment for any other campus job would be. This is not a scholarship or fellowship.
- II. There is no exclusion in the tax law for amounts paid to a degree candidate for participation in university-sponsored research.

【ポイント解説】

出題トピック	Scholarship
対応する章	PART1 第6章

- I. 労働の対価として受領した支払いは給与所得として課税される。
 - II. 研究活動の対価として受領した支払いも、上記 I.と同様である。
- ∴ **選択肢"d"** : Both I and II が正解となる。

58. MCQ-01794

Choice "c" is correct.

Life insurance proceeds	<u>\$ 150,000</u>
Amount received in current year	\$ 12,000
Less: Return of principal (\$150,000 ÷ 15 years)	<u>(10,000)</u>
Taxable interest	<u>\$ 2,000</u>

【ポイント解説】

出題トピック	Insurance Proceeds
対応する章	PART1 第6章

死亡を原因として受領した生命保険金 (life insurance proceed) は、原則「全額」非課税。但し、生命保険金を分割で受領する場合、その利息部分は課税対象となる。

本問の場合、当年度に受領した\$12,000 (分割1年分) のうち、元本に相当する\$10,000 (生命保険金\$150,000 ÷ 15年) は非課税、残り\$2,000が利息として課税される。

59. TAC Original

Choice “c” is correct. Unrealized income is taxable to neither accrual nor cash method taxpayers.

Unrealized income refers to transactions which are not yet complete. It includes things such as unrealized gains on investments.

【ポイント解説】

出題トピック	Unrealized Income
対応する章	PART I 第6章

未実現利益（例：株式の含み益）は、原則として、GI から除外される。※ 実現・認識の概念と、現金主義・発生主義は別物である。
 ∴ 選択肢“c”：Both I and II が正解となる。

60. TAC Original

Choice “c” is correct. Scholarships for “qualified tuition and related expenses” are generally excluded from gross income, therefore, the \$2,000 paid towards tuition fees is not included in Keiko’s taxable income. However, “qualified tuition and related expenses” does not include the value of accommodation. Therefore, Keiko must include \$1,000 from the scholarship in her gross income.

【ポイント解説】

出題トピック	Scholarship
対応する章	PART I 第6章

学位取得（degree）のための奨学金は、授業料、書籍代、その他関連費用に使用した割合分だけ（not room & board）、非課税。
 本問の場合、授業料の支払いに使用する\$2,000は非課税。一方、寮費の支払いに使用する\$1,000は課税対象となる。

61. TAC Original

Choice “a” is correct. Because the group life insurance policy is offered to all employees, the benefit is generally not included in the employee’s AGI. However, because the coverage exceeds \$50,000, Julia must include in AGI the value of the insurance premiums over and above \$50,000 of coverage in her AGI.

Coverage in excess of maximum is \$100,000 – \$50,000 = \$50,000

Value of each \$1,000 of life insurance per month is \$.08

Value of excess life insurance premiums =
 (excess 50,000 ÷ 1,000) × \$0.08 × 12 months = \$48

【ポイント解説】


出題トピック	Employee Fringe Benefit
対応する章	PART I 第6章

雇用主により支払われた団体生命保険料は、\$50,000までの保険金に対応する保険料部分に限り非課税。

本問では、\$50,000を超える部分に対応する保険料を計算する必要がある。保険金\$1,000につき団体生命保険料は月額\$0.08と問題文に与えられている。よって、課税対象となる年間保険料は（\$50,000超過分 ÷ \$1,000）× \$0.08 × 12ヵ月 = \$48と計算される。

7. Depreciation, Amortization, and Depletion

解答編

TIP  Simulation 問題で減価償却額の計算が出題される場合、「MACRS Table」など解答に必要な情報が与えられていることが多い。

62. MCQ-02032

Choice "c" is correct. To qualify for IRC Sec 179, the property must be tangible personal property acquired by purchase from an unrelated party for use in the active conduct of a business or trade. Statement I and II are both correct statements concerning the criteria for property to qualify under IRC Section 179.

【ポイント解説】

出題トピック	Depreciation
対応する章	PART I 第7章

＜Sec.179即費用化の選択＞

納税者は第三者から購入した事業用の償却性動産 (personal property) の取得価額を、取得年度に **\$1,080,000 (2022)** まで即費用化することを選択できる。但し、その年度に使用開始した動産の総額が **\$2,700,000 (2022)** を超える場合には、即費用化することができる金額が、超えた\$1につき\$1削られることになる。

∴ **選択肢" c" : Both I and II** が正解となる。

63. Becker Example

Choice "d" is correct. A taxpayer who spends less than \$2,700,000 on equipment in 2022 can deduct the cost of equipment purchases up to a maximum of \$1,080,000 per tax year. The deduction is limited to the amount that will reduce taxable income to zero. Since Brown's net income is greater than the \$30,000 allowable deduction, the limitation does not apply.

【ポイント解説】

出題トピック	Depreciation
対応する章	PART I 第7章

＜Sec.179即費用化の選択＞

即費用化して「控除」することができる金額は、その年度の事業活動からの課税所得 (Sec.179即費用化控除を除く全ての事業経費を控除した後の課税所得) が上限となる (これは、Sec.179即費用化控除により NOL を発生または増加させることを避けるための規定である)。上限を超過する部分は、翌期以降に繰越すことが可能。

本問の場合、取得価額の **\$30,000** を即費用化することができる。上記の課税所得の制限も受けない。※本問では、ボーナス減価償却；初年度特別償却を選択していない。Simulation 対策基本問題集で扱う。

64. MCQ-02058

Choice "d" is correct. Only the building is depreciable, so the depreciable portion is \$264,000 less \$30,000 land, for a net of \$234,000. The MACRS rules provide a 39-year life, straight-line depreciation, and a "mid-month" acquisition convention that treats the property as acquired in the middle of the month, regardless of the actual date of acquisition. Thus, the August 1, Year 1, service date provides a half-month's depreciation for August, plus a full month for September through December, for a total of 4.5 months for Year 1. $(\$234,000/39 \text{ years}) \times (4.5/12) = \$2,250.$

【ポイント解説】

出題トピック	Depreciation
対応する章	PART I 第7章

居住用ではない不動産 (non-residential real property) は、39年の定額法で償却する。不動産 (real property) については、**Mid-month convention** が適用される。

本問の場合、 $(\$264,000 - \$30,000) / 39 \text{ years} \times 4.5 / 12 \text{ months} = \text{MACRS 控除額 } \$2,250.$

65. MCQ-05549

Choice "c" is correct. MACRS 5-year property includes automobiles, light trucks, computers, typewriters, copiers, duplicating equipment, and other such items.

Computer	\$ 3,000
Delivery van	<u>25,000</u>
MACRS 5-year property	<u>\$ 28,000</u>

The computer desk and the office furniture are MACRS 7-year property, which includes furniture and fixtures, machinery and equipment.

【ポイント解説】

出題トピック	Depreciation
対応する章	PART I 第7章

MACRSにおける償却年数が5年の資産が問われている。本問ではコンピュータと車輛が該当する。家具は償却年数7年の資産である。

66. MCQ-02195

Choice "b" is correct. Under the MACRS method of depreciation for property placed in service after 1986, salvage value is ignored for purposes of computing the deduction.

Choice "a" is incorrect. The MACRS method also applies to the calculation of the cost recovery deduction for used tangible depreciable property. Choice "c" is incorrect. The taxpayer may elect to use straight-line depreciation over the MACRS property class life or an extended life as dictated by the ADR midpoint life.

Choice "d" is incorrect. The recovery period must be 27.5 years for residential realty and 39 years for nonresidential realty.

【ポイント解説】

出題トピック	Depreciation
対応する章	PART I 第7章

選択肢"a"：中古資産にも MACRS が適用される。∴誤り。

選択肢"b"：MACRS では、残存価値 (salvage value) は無視される (残存価値をゼロとして償却する)。∴正しい。選択肢"b"が正解となる。

選択肢"c"：動産について定額法による減価償却を選択することもできる。∴誤り。

選択肢"d"：不動産は27.5年か39年で償却する。∴誤り。

居住用ではない不動産 (non-residential real property) は、39年の定額法で償却する。一方、居住用賃貸不動産 (residential rental real property) は、27.5年の定額法で償却する。

67. TAC Original

Choice "b" is correct. The half-year convention is generally used for tangible personal property placed into service during the current year, unless more than 40% of the property is placed into service during the last quarter. The calculation to determine this is shown below:

Total assets placed into service during the year
\$200,000 + \$100,000 + \$300,000 + \$500,000
 =総額**\$1,100,000**

\$500,000 worth of assets were placed into service during the last quarter. Therefore the percentage of assets placed into service during the last quarter was:

4Q: \$500,000 ÷ 総額\$1,100,000 = 45.45% > 40%

As this is over 40%, the mid-quarter convention must be used.

【ポイント解説】

出題トピック	Depreciation
対応する章	PART I 第7章

動産 (personal property) には、原則：**Half-year convention** が適用され、半年分の償却を行う。但し、その課税年度に使用開始した償却対象動産の総額のうち、40%超を第4四半期に使用開始した場合には、**Mid-quarter convention** が適用される。全ての動産について、使用開始した各四半期の真ん中から償却を行う。

本問では、上記計算より、第4四半期に40%超となるため **Mid-quarter convention** を使用する。

8. Losses – Deductions and Limitations

解答編

68. MCQ-04858

Choice "c" is correct. In Year 9, Marsha and Brad had a net capital loss of \$17,000, of which an additional \$3,000 can be used to offset income from other sources (for example, the ordinary income from employment) in the current year. This would reduce the carryforward to \$14,000. Choice "a" is incorrect. Taxpayers are limited to a maximum capital loss of \$3,000 offsetting income from other sources (after offsetting any appropriate capital gains). Therefore, the net total \$17,000 loss on the sale of the stock cannot be used in the year it is incurred. Choice "b" is incorrect. Capital losses can offset any gains in the year incurred, and then a maximum of \$3,000 of income from other sources can be offset with capital losses. Choice "d" is incorrect. Choice "d" is the net of the current year loss and gain; however, an additional \$3,000 of the loss can be recognized in the current year.

【ポイント解説】

出題トピック	Capital Gain and Loss
対応する章	PART I 第8章

株式などの投資用資産 (investment property) は、Capital asset に分類され、その売却損益はキャピタル・ゲインまたはキャピタル・ロスである。

個人の納税者の場合、内部通算後の Net capital losses を、\$3,000を上限として、給与所得などの通常所得 (ordinary income) と相殺 (損益通算) 可。以下のいずれか小さいほうを Form 1040の1ページ目の7行目に記入する。

④ < Net capital loss 本問では\$17,000
\$3,000 (※MFS \$1,500)

本問において相殺 (損益通算) しきれなかった **Net capital loss \$14,000** については、翌期以降、「無期限」に繰り越すことができる。

69. MCQ-04863

Choice "c" is correct. The Kales' transactions net to a \$8,500 loss on the sales. The current year transactions should be netted first, then additional amounts up to \$3,000 can be used to offset ordinary income.

【ポイント解説】

出題トピック	Capital Gain and Loss
対応する章	PART I 第8章

	<u>Gain or Loss</u>
Crispy Crunch, Inc.	\$(1,000)
Summer Solstice, Inc.	\$500
Sealy & Sealy, Inc.	<u>\$(8,000)</u>
	\$(8,500)

④ < Net capital loss 本問では\$8,500
\$3,000 (※MFS \$1,500)

※保有期間が1年超＝長期
保有期間が1年以内＝短期
(ちょうど1年は短期となる)

70. MCQ-01662

Choice "c" is correct. Investment assets of a taxpayer that are not inventory are capital assets. The manufacturing company would have capital assets including an investment in U.S. Treasury bonds.

Choice "a" is incorrect. Accounts receivable generated from the sale of inventory are excluded from the statutory definition of capital assets.

Choice "b" is incorrect. Depreciable property used in a trade or business is excluded from the statutory definition of capital assets.

Choice "d" is incorrect. Land is usually a capital asset, but when it is effectively inventory, as when it is used by a developer to be subdivided, it is excluded from the statutory definition of capital assets.

【ポイント解説】

出題トピック	Capital Assets
対応する章	PART I 第8章

“Capital asset”とは、主に自宅などの個人使用の資産 (personal use property) と株式などの投資用資産 (investment property) である。

∴ 選択肢“c”が正解となる。

事業用資産 (business property) は Capital asset ではない。事業に関連する資産 (e.g., Inventory や A/R) は、事業所得 (ordinary income) を発生させる資産であるため、Capital asset ではない。

71. MCQ- 02061

Choice "d" is correct. Because the parking lot and the shed constitute real estate and depreciable assets used in a trade or business, they are not capital assets per the definition below.

Note: The parking lot and shed will fall under Section 1231 (provided they are used in the business over 12 months) and possibly Section 1250 and 1245, respectively, upon sale of the assets.

Capital assets are defined as all property held by the taxpayer, **except:**

1. Property normally included in inventory or held for sale to customers in the ordinary course of business.
2. Depreciable property and real estate used in business.
3. Accounts and notes receivable arising from sales or services in the taxpayer's business.
4. Copyrights, literary, musical or artistic compositions.
5. Treasury stock.

【ポイント解説】

出題トピック	Capital Assets
対応する章	PART I 第8章 PART II 第4章

事業用資産 (business property) は Capital asset ではない。∴ 選択肢“d”が正解となる。

【TCP】の出題範囲となる PART II Transaction in Property 第4章で学習することになるが、1年超保有の事業用資産 (償却性動産と不動産) は、**Sec.1231 assets** となる。

72. MCQ-01876

Choice "b" is correct. The capital loss deduction is limited to \$3,000 per year with the excess carried forward indefinitely. In this case, Lee can deduct \$3,000 against his income and carry forward the remaining \$5,000.

【ポイント解説】

出題トピック	Capital Gain and Loss
対応する章	PART I 第8章

① < Net capital loss 本問では\$8,000
\$3,000 (※MFS \$1,500)

73. MCQ-07176

Choice "c" is correct. A capital asset which is sold or exchanged more than one year after the date of acquisition will generate either a long-term capital gain (if the capital asset is sold at a price greater than acquisition cost) or a long-term capital loss (if the capital asset is sold at a price less than the acquisition cost). In this question, the lease-hold interest, which is a capital asset, was acquired more than a year ago, and the basis (acquisition cost) in that capital asset is -0-. So, the receipt of \$10,000 to vacate the apartment will generate a \$10,000 long-term capital gain. Choices "a", "b", and "d" are incorrect per the above rules.

【ポイント解説】

出題トピック	Capital Assets
対応する章	PART I 第8章

納税者は、賃貸アパートから即時立ち退きを求められ、\$10,000の立退料を受領した。問題文より、納税者のリース契約は“Capital asset”となるが、Basisは\$ゼロである。保有期間は16カ月。納税者は、Amount realized \$10,000 (実現総額；本問では立退料) – basis (リース契約の税務上の簿価) \$0 = \$10,000の長期キャピタル・ゲイン (LTCG) を認識する。

74. MCQ-07175

Choice "b" is correct. An option held by an investor is a capital asset. A capital asset which is sold or exchanged within one year of acquisition will generate either a short-term capital gain (if the capital asset is sold at a price greater than acquisition cost) or a short-term capital loss (if the capital asset is sold at a price less than the acquisition cost). The cost (or other basis) of worthless stock or securities is treated as a capital loss as if they were sold on the last day of the taxable year in which they became totally worthless. The option's exercise price is irrelevant with respect to determining loss on account of the lapse of the options.

In this question, the options, which were capital assets purchased for \$50,000 on February 1, Year 1, became worthless on the lapse date, August 1, Year 1. Thus, the \$50,000 capital loss is treated as having occurred on December 31, Year 1, the last day of the taxable year in which the options became totally worthless. Because, as of December 31, Year 1, the options had not been held for more than a year, the \$50,000 capital loss will be reported on the income tax return as a short-term capital loss.

【ポイント解説】

出題トピック	Capital Assets Worthless Securities
対応する章	PART I 第8章

本問の新株予約権 (stock option) は投資用資産であるため、“Capital asset”である。

購入した新株予約権を行使することができず、無価値となった場合の損失は、課税年度末（本問の場合、12/31/Year 1）の時点であたかも\$ゼロで売却したかのように、キャピタル・ロスとして控除することが認められている。

Amount realized	\$0
—Option's basis	\$50,000
Loss recognized	<u>\$ (50,000)</u>

権利行使期間が購入日から6カ月の設定であり、**短期キャピタル・ロス (STCL)** となる。

※従業員ストック・オプションではない。

75. MCQ-01859

Choice "a" is correct. Trade date. Gain or loss on a year-end sale of listed stock arises on the trade date.

Rule: Whether on the cash or accrual method of accounting taxpayers who sell stock or securities on an established securities market must recognize gains and losses on the trade date, rather than on the settlement date.

Choices "b", "c", and "d" are incorrect, per the above rule.

【ポイント解説】

出題トピック	Sale or Exchange of Securities
対応する章	PART I 第8章

証券取引所等にて取引されている上場有価証券を売却した場合、たとえ現金主義を採用している納税者であっても、決済日ではなく、「取引日 (trade date)」にその損益を認識する。

76. MCQ-01991

Choice "a" is correct. Losses resulting from the sale, exchange or worthlessness of Section 1244 qualifying stock (also called Small Business Stock) are treated as ordinary losses up to \$50,000 in any tax year. However, this loss is only available to original owners of the stock. Because Jackson inherited the stock, he is not the original owner. Therefore, in this case, no ordinary loss may be deducted. (Note that Jackson would be allowed a capital loss in the year the stock was deemed entirely worthless. The capital loss would be deducted under the personal capital loss rules and calculated using the likely transfer basis of \$25,000.)

Choice "b" is incorrect. An ordinary loss is allowed on the worthlessness of Sec. 1244 stock if taken by an original owner. It appears as if this answer was attempting to "trick" the candidate into choosing this option (a \$3,000 deduction as would be the case if the loss were a capital loss, rather than an ordinary loss) and not considering that the question referenced the deductibility of an ordinary loss.

Choices "c" and "d" are incorrect. Both these answers utilize either the basis of Jackson's parents or the fair market value to determine the

ordinary loss. In this instance, no ordinary loss is available to Jackson because he is not the original owner of the stock.

【ポイント解説】

出題トピック	Sec.1244 Stock
対応する章	PART1 第8章

Sec.1244 stock の売却・無価値化等により生じたLossは、\$50,000 (MFJ: \$100,000) を限度に、「Ordinary loss」として控除することができる。但し、この規定を適用することができるのは、Original owner (中小企業に直接資本を提供し株式の発行を受けた者) のみである。従って、相続により株式を取得したJackson氏には適用されない。∴ Ordinary lossとして扱われる金額は\$0となる。

77. TAC Original

Choice "d" is correct. Under Sec. 165 (g), stock which becomes worthless during the current year is deemed to have been disposed of on the last day of the tax year, regardless of the actual date that it became worthless. This provision may cause otherwise short-term losses to be classified as long-term capital losses.

【ポイント解説】

出題トピック	Worthless Securities
対応する章	PART1 第8章

有価証券が無価値となった場合の損失は、課税年度末の時点 (calendar year の場合は12/31) であたかも\$ゼロで売却したかのように、キャピタル・ロスとして認識し控除することが認められている。

78. Becker Example

Choice "a" is correct. Jon and Mark both own a 50% interest in a general partnership and actively run the business. A passive activity is generally one in which the taxpayer is merely a bystander and is not actively involved in the operations of the organization.

Choice "b" is incorrect. Interests in limited partnerships are generally passive activities if the taxpayer does not materially participate in the business.

Choice "c" is incorrect. Rental of a second home is generally a passive activity reported on Schedule E unless one of two exceptions is met: (1) the taxpayer actively participates and meets an ownership requirement, which allows the taxpayer to deduct up to \$25,000 of net passive losses, provided the taxpayer is within AGI limits; or (2) the taxpayer is a real estate professional meeting certain participation thresholds, which would mean the taxpayer would account for the activity as active.

Choice "d" is incorrect. If a real estate professional meets the following two criteria, then any rental activities and associated losses are not passive and are fully deductible:

1. More than 50% of the taxpayer's personal services performed are done so in real property business; and
2. The taxpayer performs more than 750 hours of services in real property businesses during the year.

【ポイント解説】

出題トピック	Passive Activity
対応する章	PART1 第8章

Passive activity とは、不動産賃貸活動 (any rental activities)、納税者が実質的に関与していない (not materially participate) 事業活動や投資活動のことをいう。

リミテッド・パートナーシップのリミテッド・パートナーの持分 (活動) は、Passive activity として扱われる (リミテッド・パートナーは、直接パートナーシップの経営に参加する権利がないため)。

選択肢"a"：ゼネラル・パートナーの持分 (活動) は、通常、Passive activity ではない。事業活動に関与しているとの記述もあるため、明らかに選択肢"a"が正解である。

選択肢"b"：リミテッド・パートナーの持分 (活動) は、Passive activity である。

選択肢"c"：不動産賃貸活動は、Passive activity である。

選択肢"d"：不動産仲介業者であるが、500時間しか賃貸活動に関与していないため、不動産専門家には該当しない。不動産賃貸活動は Passive activity である。 次のページに続く・・・

※実質的な関与（material participation）とは？
Vol.1テキスト140ページからの一部抜粋である。
納税者が事業活動などに実質的に関与していたかどうかは、7つのテストにより判断される。
テストの1例：その事業活動に年500時間超関与している場合、実質的に関与しているとみなされる。

79. MCQ-01811

Choice "a" is correct. Cobb may not use any of the loss attributable to his rental real estate as an offset against income from nonpassive sources in the current year because he does not qualify for the "Mom and Pop" exception. Under this exception, up to \$25,000 of passive losses and the deduction equivalent of tax credits that are attributable to rental real estate may be used as an offset against income from nonpassive sources. This \$25,000 allowance is reduced, but not below zero, by 50% of the amount by which the individual's modified AGI exceeds \$100,000. The \$25,000 is therefore completely phased out when modified AGI reaches \$150,000. Because Cobb's AGI was \$200,000, he did not qualify for the exception.
Choices "b", "c", and "d" are incorrect. Rental activities are passive activities and generally are not allowed to use any of the loss attributable to the rental activity to offset any income produced from nonpassive sources. There is a limited exception in the case of losses from rental real estate in which the taxpayer actively participates, but Cobb did not qualify for it.

【ポイント解説】

出題トピック	Passive Activity Loss
対応する章	PART1 第8章

Passive loss は、Passive income としか相殺できない。これを PAL ルールという。

個人の納税者の場合、給与所得等の他の区分の所得とは相殺（損益通算）することはできない。

但し、不動産賃貸活動に関する特例として、**Mom and Pop Exception** をおさえておこう。
個人が賃貸活動に活動的に関与（actively participate）している場合、その賃貸活動から生じた Passive loss を給与所得などの他の区分の所得と年間 \$ 25,000まで相殺（損益通算）可。

なお、\$25,000という金額は、当年度の AGI が \$ 100,000超の納税者の場合、その超過した金額の50%分だけ、減額される。当年度の AGI が \$ 150,000超の場合、一切この特例規定を利用することができない。

本問では、納税者の当年度の AGI が\$150,000超であり、上記の特例規定を利用できない。

∴**選択肢"a"：\$0**が正解なる。

80. MCQ-01831

Choice "c" is correct. The rule limiting the allowability of passive activity losses and credits applies to personal service corporations.
Choice "a" is incorrect. The passive activity limitations apply to the various partners in the partnership as opposed to the partnership itself.
Choice "b" is incorrect. The passive activity limitations apply to the various shareholders in the S corporation as opposed to the corporation itself.
Choice "d" is incorrect. The passive activity rules do not apply to widely-held C corporations.

【ポイント解説】

出題トピック	Passive Activity Loss
対応する章	PART1 第8章

個人、遺産財団・信託、人的役務提供法人（personal service corporation）、閉鎖会社（closely held C corporation）には PAL ルールが適用され、Passive loss は Passive income としか相殺できない。

パートナーシップや S コーポレーション自体には PAL ルールは適用されないが、パートナー、株主レベルで適用されることになる（パス・スルー課税だから）。

本問において、PAL ルールが適用されるのは、**選択肢"c"**：人的役務提供法人のみである。

※人的役務提供法人（personal service corporation）とは、特定の8分野における人的役務の提供を主たる事業とする普通法人で、少なくとも10%超の株式が上記人的役務を提供する従業員により所有されている法人をいう。

例：監査法人、コンサルティング会社

※閉鎖会社（closely held C corporation）とは、ごく少数（5人以下）の個人により50%超の株式が直接または間接的に所有されている普通法人をいう。

81. TAC Original

Choice “b” is correct. Interest income of passive activity is not classified as passive activity income.

Choice “a” is incorrect because business income from shares in a limited partnership is by nature passive activity income.

Choice “c” is incorrect because rental activities are generally considered to be passive activities.

Choice “d” is incorrect, because passive activities are generally defined as those in which a taxpayer does not materially participate.

【ポイント解説】

出題トピック	Passive Activity Loss
対応する章	PART1 第8章

Passive activityから生じた利子・配当所得は、Portfolio incomeであり、Passive incomeではない。
∴**選択肢”b”**が正解となる。

82. TAC Original

Choice “d” is correct. They may be carried forward indefinitely. Passive losses may not be carried back to offset prior passive gains.

Choice “a” is incorrect (unused capital losses of corporations may be carried forward 5 years).

Choice “b” is incorrect (net operating losses may be carried forward 20 years).

Choice “c” is incorrect because passive losses may not be carried back.

【ポイント解説】

出題トピック	Passive Activity Loss
対応する章	PART1 第8章

相殺（内部通算）しきれなかった Net passive loss は、翌年以降「**無期限**」に繰越しが可能で、翌年以降の Passive income と相殺（内部通算）できる。

なお、納税者が Passive activity の持分を売却するなどして処分した場合には、処分した年度に過年度からの繰越し分を含む Passive loss を“**全額**”控除（給与所得等の他の所得と損益通算）可。

9. Above The Line Deductions

解答編

83. (1) MCQ-04857

Rule: Generally, unless an exception applies, retirement money cannot be withdrawn until the individual reaches the age of 59 ½. A premature distribution from an individual retirement account is subject to a 10% penalty tax.

Certain exceptions to this tax are available and are contained in the mnemonic "**HIM DEAD.**"

Choice "b" is incorrect. The amount removed from the IRA qualifies under the "H" exception above. However, the question states that these amounts had been previously deducted on Mrs. Williams' individual tax return, thus this is a distribution from a traditional, deductible IRA. When distributed, funds held in a traditional, previously deducted IRA are taxable to the recipient as ordinary income and thus would be included as gross income on the Williams' joint tax return in the year of distribution.

Choice "a" is incorrect. The distribution would be included in the Williams' gross income.

Choice "c" is incorrect. The amount qualifies for an exception to the penalty tax and would be included in the Williams' gross income.

【ポイント解説】

出題トピック	Retirement Plan Contribution
対応する章	PART I 第9章

Premature distribution（早期引き出し）：

59.5歳になる前に IRA から引き出した場合、10%の Penalty tax が課される。

但し、次のような理由により引き出した場合には、Penalty tax が免除される。

H ome buyer (1st time)

初めての自宅の購入費用にあてるため。

I nsurance (medical)

医療保険料の支払いにあてるため。

M edical expenses in excess of 7.5% of AGI

医療費の支払いにあてるため。

D isability 納税者が身体障害者になったため。

E ducation 教育費にあてるため。

A doption or birth of child

子供が誕生または養子をとったため。

D eath 納税者が死亡したため。

本問のケースは、ニーモニックの **H** に該当する引き出しなので Penalty tax は免除される (**\$0**) が、Traditional IRA からの引き出しは、収益に加えて元本部分も課税対象となる (**\$10,000**) 。

83. (2) MCQ-06008

Choice "d" is correct. The taxpayer is under the age of 59 ½, and the facts do not indicate that an exception applies; therefore, the taxpayer is subject to the 10% penalty on the IRA distribution in addition to the regular income tax. The regular income tax that applies is the marginal rate (the rate for the next dollar of taxable income). In this case, the taxpayer would have to pay the regular tax on the distribution at the 35% marginal rate PLUS the 10% penalty on early distribution.

本問のケースでは、59.5歳になる前に IRA から引き出しており、10%の Penalty tax が課される。従って、 $\$30,000 \times (\text{Regular income tax: } \underline{\text{marginal}} \text{ tax rate } 35\% + \text{Penalty tax } 10\%) = \mathbf{\$13,500}$ 。

Marginal tax rate（限界税率）

= change in tax / change in taxable income

限界税率とは、課税所得が増えた際に増加する税額の率のことをいい、タックス・プランニングにおいて節税効果等を計算する際に用いられる。

Effective tax rate（実行税率）

= total tax / taxable income

実効税率とは、所得税額を課税所得で割ったものである。

84. MCQ-01815

Choice "c" is correct. The \$1,000 jury duty fee that was required to be remitted to the employer may be deducted from gross income in arriving at adjusted gross income. This, in effect, washes out the \$1,000 income she will have to report as part of gross income for the jury duty fees paid to her. Choices "a" and "b" are incorrect. The amount remitted is allowed as an adjustment in arriving at AGI, not as an itemized deduction.

Choice "d" is incorrect. A corresponding offset is allowed against other income as an adjustment in arriving at AGI.

【ポイント解説】

出題トピック	Jury Duty Pay
対応する章	PARTI 第5章 PARTI 第9章

裁判所から受け取った陪審員報酬は、「雑所得 : その他の所得 (other income)」として GI に含めなければならない。但し、(雇用主から通常の給料等を受領する代わりに) 陪審員報酬を雇用主に渡した場合には、AGI の上で控除することができる。※AGI に与える影響はゼロである。

∴**選択肢"c"**が正解となる。

85. MCQ-14720

Choice "d" is correct. Adjusted gross income is gross income plus or minus certain other amounts. Half of the \$8,000 self-employment tax is an adjustment for AGI, as is the \$6,000 self-employed health insurance, the \$5,000 alimony, and the \$2,000 contribution to a traditional IRA. Alimony paid for a divorce settlement executed on or before 12/31/2018 is deductible by the payor. Alimony paid for a divorce settlement executed after 12/31/2018 is not deductible. All of these amounts (total of \$17,000) are subtracted from the \$57,000 gross income to arrive at AGI. The AGI is thus \$40,000.

【ポイント解説】

出題トピック	Above The Line Deductions
対応する章	PARTI 第9章

単純に、各項目が Above the line deductions かどうか問われている。

Gross Income \$ 57,000

Adjustments:

SE tax (50%) (4,000)

Health insurance (6,000)

Alimony paid (5,000)

※2018/12/31迄に締結

Contribution to IRA (2,000)

AGI **\$40,000**

86. MCQ-01960

Choice "c" is correct. 50% of the self-employment (SE) tax is deductible to arrive at adjusted gross income.

Choice "a" and "d" are incorrect. SE tax is partially deductible to arrive at adjusted gross income.

Choice "b" is incorrect. SE tax is not deductible in determining self-employment income.

【ポイント解説】

出題トピック	Self-employment Tax
対応する章	PARTI 第9章

自営業者は、自営業者税 (self-employment taxes) の50%を AGI の上で控除可。∴**選択肢"c"**が正解。

87. MCQ-04855

Choice "c" is correct. A rule of thumb is that personal expenses are not allowed as deductions on the Schedule C. For instance, personal use of an automobile is considered a personal expense, not a deductible expense on Schedule C. Schedule C items should be only those related to the operation of the business itself. Health insurance for himself and his family is actually an adjustment to arrive at AGI.

Choice "a" is incorrect. Business tax items are deductible expenses, which should be reported on Schedule C.

Choice "b" and "d" are incorrect. Salaries and commissions paid to others as part of the business and depreciation on business assets are expenses allowed on Schedule C.

【ポイント解説】

出題トピック	Business Income or Loss Self-employed Health Insurance
対応する章	PARTI 第5章 PARTI 第9章

Schedule C では、あくまでも事業に関連した費用のみを控除可。自営業者の費用については、まず、Schedule C において事業経費として控除できるかできないかを判別することがポイントであるが、Schedule C ではなく Above the line deductions (Schedule 1)、Itemized deductions (Schedule A)で控除できる費用もあるので注意！

選択肢"c"：自営業者自身、配偶者、扶養家族のために支払った医療保険料 (health insurance premium) の100%をAGIの上 (Schedule 1) で控除可。∴**選択肢"c"**が正解となる。残りの選択肢の項目は、Schedule C で事業経費として控除可。

88. MCQ-13096

Choice "a" is correct. In 2022, taxpayers can contribute and deduct up to \$6,000 per year to an IRA, and alimony paid pursuant to divorce or separation agreements executed before 12/31/2018 is considered earned income for IRA purposes. For couples filing a joint return where at least one spouse is an active participant in a retirement plan, the deductible portion of the contribution is phased out. For a spouse who is an active participant, the phase out range begins at AGI of \$109,000 and complete at \$129,000 (2022). For a spouse who is not an active participant, but is married to someone who is, the phase out range begins at \$204,000 and is complete at \$214,000 (2022). The earned income for IRA purposes is \$45,000 (\$40,000 + \$5,000) which is below both phaseout ranges, so each spouse receives the full \$6,000 deduction. Choice "b" is incorrect. Pat's alimony is deemed "earned income" for the IRA contributions. However, even if Pat had no earned income, a spouse with no earned income can deduct up to \$6,000, provided the couple's combined earned income is at least \$12,000. Choice "c" is incorrect. This is the amount of the additional catch-up contribution for people age 50 and older. Choice "d" is incorrect. When a taxpayer or taxpayer's spouse is an active participant in a pension plan at work, the full deduction is allowed if the earned income of the couple is below the phaseout ranges (as is in this case).

【ポイント解説】

出題トピック	Retirement Plan Contribution
対応する章	PART1 第9章

Traditional IRA への積立額を AGI の上で控除することができるが、夫婦合算申告 (MFJ) を用いている場合には、原則として、年間\$12,000 (\$6,000×2人分) もしくは夫婦の合算勤労所得 (combined earned income※) のいずれか小さい方を上限として控除可。

※ たとえ一方の配偶者にしか稼ぎがなくても、その勤労所得が\$12,000以上あれば2人分の控除が認められる。

White 夫妻の場合、片方が企業年金に加入しているため、AGIの金額を計算する。

$$\begin{aligned} \text{AGI} &= \$40,000 \text{ wages} + 5,000 \text{ taxable alimony} \\ &= \underline{\$45,000} \end{aligned}$$

Earned income = \$45,000 ← Alimonyを含む。
よって、本問では、**\$12,000 (2人分) 控除可。**

(2022年度)	<\$109,000	原則ルール
ケース②	\$129,000	加入あり 0
どちらか一方が加入している	~204,000	加入なし \$6,000
	>\$214,000	加入あり 0
		加入なし 0

89. MCQ-02002

Choice "a" is correct. Alimony payments are deductible to arrive at adjusted gross income (AGI) pursuant to a divorce settlement executed on or before 12/31/2018.

Choice "b" is incorrect. Charitable contributions are deductible from adjusted gross income as itemized deductions.

Choice "c" is incorrect. Personal casualty losses are deductible from adjusted gross income as itemized deductions if incurred in a federally declared disaster area.

Choice "d" is incorrect. Unreimbursed business expenses of outside salespersons are not deductible.

【ポイント解説】

出題トピック	Above The Line Deductions
対応する章	PART1 第9章

次のページに続く・・・

本問は、Above the line deductionsの11項目と Itemized deductionsの6項目の区別を問う問題。

選択肢"a"：2018年12月31日までに締結した離婚同意書に従って支払う Alimony は、AGI の上 (Above the line deduction) で控除可。

選択肢"b" & "c"：寄付金と個人使用資産の災害損失は AGI の下 (Itemized deduction) で控除可。

選択肢"d"：トランプ税制改正前は、雇用主から払い戻されていないサラリーマンの事業経費を AGI の下 (Itemized deduction) で控除することができた。トランプ税制改正により、現在は控除できない。

90. MCQ-12113

Choice "d" is correct. For SEP plans, earned income is defined as net self-employment earnings reduced by $\frac{1}{2}$ the self-employment tax. Choice "a", "b" and "c" are incorrect per above rule.

【ポイント解説】

出題トピック	Retirement Plan Contribution
対応する章	PART I 第9章

SEP plan は、自営業者が自身及びその従業員名義の個人退職年金口座 (※SEP IRA という) に拠出を行う簡易的な退職年金制度である。

自営業者が自身の SEP IRA に拠出した場合、年間\$61,000 (2022)もしくは (自営業者の事業所得 - 自営業者税の50%) \times 20%のいずれか小さい方を上限として AGI の上で控除可。

∴**選択肢"d"**：自営業者税の1/2が正解となる。

91. MCQ-02009

Choice "a" is correct. Moving expenses are no longer deductible at all with certain exceptions for military personnel.

【ポイント解説】

出題トピック	Moving Expenses
対応する章	PART I 第9章

米軍従事者 (members of the U.S. Armed Forces) の任務に関連した引越費用のみが控除の対象となり、本問のような転職に伴い生じた引越費用は一切控除できない。∴**\$0**が正解となる。

92. MCQ-04884

Choice "b" is correct. Sales taxes paid or state income taxes are deductible at the option of the taxpayer on Schedule A as an itemized deduction. Choices "a", "c", and "d" are incorrect. Each of these items is an adjustment to gross income to arrive at adjusted gross income.

【ポイント解説】

出題トピック	Above the Line Deductions
対応する章	PART I 第9章 PART I 第10章

本問は、Above the line deductionsの11項目と Itemized deductionsの6項目の区別を問う問題。

選択肢"b"：第10章で学習するが、売上税 (sales tax) または州・地方の所得税 (state and local income taxes) のいずれか大きいほうを選択して **Itemized deduction** の税金控除で控除することができる。残りの選択肢の項目は AGI の上 (Above the line deduction) で控除可。

93. Becker Example

Choice "b" is correct. For contributions to IRAs to be non-deductible, two conditions must be present: (1) the income limits are exceeded and (2) the taxpayer or spouse actively participates in a qualified retirement plan. The income limit for married filing joint for 2022 begins at \$109,000. Because Kevin and Kelly's income is below that threshold, Kevin's participation in his employer's pension plan does not limit the deductibility of his IRA contribution. The maximum deduction for an IRA is limited to the lesser of \$6,000 or the individual's compensation. Although Kelly had no compensation, the maximum contribution for married couples filing jointly is \$12,000, provided their combined earnings exceed the contribution amount.

Choice "a" and "c" is incorrect. Kevin can contribute and deduct his contribution; however, Kelly is also allowed a contribution and deduction. Choice "d" is incorrect. Both tests, the income limit and participation in a qualified plan, must be met in order for contributions to be non-deductible.

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【ポイント解説】

出題トピック	Retirement Plan Contribution
対応する章	PART1 第9章

Traditional IRA への積立額を AGI の上で控除することができるが、夫婦合算申告 (MFJ) を用いている場合には、原則として、年間\$12,000 (\$6,000×2人分) もしくは夫婦の合算勤労所得 (combined earned income ※) のいずれか小さい方を上限として控除可。

※ たとえ一方の配偶者にしか稼ぎがなくても、その勤労所得が\$12,000以上あれば2人分の控除が認められる。

Wood 夫妻の場合、片方が企業年金に加入しているため、AGI の金額を計算する。

$$\begin{aligned} \text{AGI} &= \$50,000 \text{ wages} + 1,000 \text{ interest} \\ &= \underline{\$51,000} \end{aligned}$$

Earned income = \$50,000 ← Interest を除く。
よって、本問では、**\$12,000 (2人分) 控除可。**

(2022年度)	<\$109,000	原則ルール
ケース②	\$129,000	加入あり 0
どちらか一方が加入している	~204,000	加入なし \$6,000
		加入あり 0
	>\$214,000	加入なし 0

94. MCQ-15610

RULE: The adjustment for education loan interest (an above-the-line deduction to arrive at AGI) is limited to the amount paid or \$2,500 (whichever is lower), and all qualified education loan interest is allowed as part of the adjustment.

Choice "b" is correct. Per the above rule, the \$1,000 of qualified education loan interest paid in the year is reported as a deduction to arrive at AGI for the year.

【ポイント解説】

出題トピック	Education Loans Interest Exp.
対応する章	PART1 第9章 PART1 第10章

教育 (学生) ローンの支払利息は、その借入金を一定の教育費の支払いにあてた場合に、年間\$2,500を上限として、AGIの上で控除可。

※ Itemized deductionの支払利息控除ではないので注意しよう。

∴ **選択肢"b"**が正解となる。

95. Released 2006

Choice "b" is correct. For IRAs, the adjustment is allowed for a year ONLY if the contribution is made by the due date of the tax return for individuals (April 15). The due date for filing the tax return under a filing extension is NOT allowed (i.e. filing extensions are NOT considered).

【ポイント解説】

出題トピック	Retirement Plan Contribution
対応する章	PART1 第9章

IRAへの積立に関して、原則の申告期限 (翌年の4/15) までに積立てた分をAGIの上で控除することが認められている。延長の申請をすれば、申告書の提出期限を6カ月延長することができるが、延長後の申告書の提出期限 (翌年の10/15) までではないので注意しよう。

96. TAC Original

Choice "a" is correct. Terry Walters is not entitled to an IRA deduction because as a single woman with an AGI greater than \$78,000 (2022), she cannot claim an IRA deduction if she is covered by a qualified employee pension plan.

【ポイント解説】

出題トピック	Retirement Plan Contribution
対応する章	PART1 第9章

企業年金に加入している独身者のケースであるが、AGIが\$78,000 (2022)を超えるため、**一切控除が認められない (\$0)**。

$$\begin{aligned} \text{AGI} &= \$75,000 \text{ salary} + \$5,000 \text{ dividend} + \$7,500 \\ \text{net business income} &= \underline{\$87,500} \end{aligned}$$

Earned income = \$82,500 ← Dividendを除く。

※もしWalters氏が ①企業年金に加入なし、または ②企業年金に加入しているが、AGIは\$68,000 (2022) 以下という設定だった場合には、50歳以上なので (additional catch-upの適用)、選択肢"d"の\$7,000が正解となる。

10. Below The Line Deductions

解答編

TIP  Simulation 形式の問題として、Schedule A : Itemized deductions は出題頻度が高いといえる。

97. MCQ-02011

Choice "d" is correct. In order to qualify for the additional standard deduction, an individual must be age 65 or older or blind by the end of the tax year. He or she does not have to support a dependent child or aged parent.

【ポイント解説】

出題トピック	Additional Standard Deduction
対応する章	PART1 第10章

納税者が65歳以上または視覚障害者の場合 (**age 65 or over or blind**)、老齢・障害1件ごとに一定額が Regular standard deduction に加算される。

98. ARE R99 #2

Choice "d" is correct. Baum should report \$281,750 as current year net earnings from self-employment (line 3 of Form 1040 Schedule 1), calculated as follows:

Gross business receipts	\$ 350,000
Cost of goods sold	(35,000)
Rent expense	(28,000)
Liability insurance premium	(5,250)
Net earnings on Schedule C	<u>\$ 281,750</u>

Choices "a", "b", and "c" are incorrect. Self-employment tax and self-employment health insurance expenses are adjustments from total gross income. They are not deducted from self-employment earnings.

Note: There are many distracters in this question, all relating to items that are either deductible as part of itemized deductions or not deductible.

Be careful to read the requirement of the question before spending unnecessary time on the question. The statement that Baum's year-end inventory was not subject to the uniform capitalization rules is a distracter as well.

There is not enough information given in the facts to apply the rules if he had been subject to them.

【ポイント解説】

出題トピック	Business Income or Loss
対応する章	PART1 第5章 PART1 第9章 PART1 第10章 PART1 第11章

自営業者の費用については、Schedule C ではなく、Above the line deduction (Schedule 1)、Itemized deduction (Schedule A) で控除可能な費用もあるので注意が必要である。

- ・賠償責任保険料 (liability insurance premium) は、Schedule C の事業経費として控除可。
- ・自営業者税 (self-employment taxes) の50% と医療保険料の100% は、Above the line deduction で控除可。
- ・自宅関連の費用のうち、自宅の固定資産税と自宅を担保とした住宅取得ローンの支払利息は Itemized deduction で控除可。※自宅を担保にした自動車ローンの支払利息は控除できない。
自宅の火災による災害損失は、連邦政府により宣言された大災害地域内で発生していないので、控除できない。
- ・自家用車の自動車税 (動産税) は、従価税であれば、Itemized deduction で控除可。
- ・連邦所得税の予定納税額は、Tax Credit として控除可 (Vol.1テキスト226ページ)。

99. MCQ-01479

Choice "b" is correct. Cash basis taxpayers deduct interest in the year paid or the year to which the interest relates, whichever is *later*. Even though all of the interest on this loan was paid on December 1, of the current year, only the interest relating to December of the current year can be deducted in the current year. The question does not give an interest rate, but because the loan is to be repaid in a lump sum at maturity, 1/12 of the interest, or \$2,000 applies to each month.

Choice "a" is incorrect. Because \$2,000 of the interest relates to the current year, this amount is deductible in the current year.

Choice "c" is incorrect. This is the amount that cannot be deducted until the following year, the year to which the interest relates. Be sure to read questions like this very carefully, because if you had simply misread the question as seeking the amount deductible in the following year, you would get the question wrong despite understanding the rule.

Choice "d" is incorrect. Cash basis taxpayers can deduct interest in the year paid or the year to which the interest relates, whichever is *later*, thus 11 months of the interest will not be deductible until next year.

【ポイント解説】

出題トピック	Business Income or Loss
対応する章	PART I 第5章 PART I 第10章

前払利息 (prepaid interest expense) は、現金主義を採用している納税者であっても、期間配分しなければならない。

本問において、当年度控除の対象となるのは、1ヵ月分 ($\$24,000 \times 1/12$ ヵ月 = **\$2,000**) のみである。

100. MCQ-14724

Choice "b" is correct. This question is asking for the actual deduction and requires the candidate to determine which items are deductible charitable contributions. The \$5,000 donation to the church is allowable. The artwork donated to the local art museum is deductible to its basis, \$2,000.

Although it is appreciated property, Smith held the property for only four months, making it short-term capital gain property (appreciated property held one year or less is short-term property).

Donations of short-term capital gain property are deductible to the donor to the extent of his/her adjusted basis. The contribution to a needy family is not a deductible contribution, as it was not made to a qualifying organization.

Choice "a" is incorrect. This choice excludes the donation of the artwork to the art museum.

Choice "c" is incorrect. This choice erroneously includes the donation of the artwork at the art's fair market value.

Choice "d" is incorrect. This choice includes all three contributions. It erroneously includes the artwork at its fair market value as well as including the donation to the needy family, which is not a deductible donation.

【ポイント解説】

出題トピック	Charitable Contribution
対応する章	PART I 第10章

教会への現金寄付\$5,000は、AGI の60%が控除の上限となる。

短期 (1年以内) 保有の含み益がある美術品 (capital asset) を美術館へ寄付しているが、Ordinary income property (= LTCG property 以外の資産) を寄付した場合、原則どおり (寄付した資産の basis と FMV のいずれか小さい方) FMV\$2,000で評価され、AGI の50%が控除の上限となる。

当年度の AGI は\$60,000もあるため、現金・現物寄付ともに控除の上限にはひっかからない。

よって、現金\$5,000+現物\$2,000=計**\$7,000**。

※個人 (needy family) への寄付 (贈与) は、寄付金控除の対象とはならないので注意しよう。

101. ARE R02 #1

Choice "b" is correct. Both medical expenses are deductible. The cosmetic surgery is not elective, since it was necessary to correct a congenital deformity.

Doctor Bills	\$ 5,000
Surgery	<u>\$ 15,000</u>
	\$ 20,000
AGI Limitation (\$100,000 x 7.5%)	<7,500>
Medical Expense Deduction	<u>\$ 12,500</u>

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章

美容整形の費用は控除の対象とはならないが、先天性の障害 (congenital deformity) を治すために必要な整形費用は医療費控除の対象となる。

支払った医療費のうち、AGI の7.5%を超過する部分を控除することができる。上記計算の通り、医療費控除額は**\$12,500**となる。

102. MCQ-01926

Choice "a" is correct. Individual taxpayers may deduct the FMV of property donated to charity. The limit is 30% of the taxpayer's AGI (30% x \$90,000 = \$27,000). The FMV of the property is \$25,000 and is within the allowable amount.

【ポイント解説】

出題トピック	Charitable Contribution
対応する章	PART I 第10章

Taylor 氏は、長期（1年超）保有の含み益がある投資用資産を教会へ寄付している。Long term capital gain (LTCG) property を寄付した場合には、特別に寄贈日の FMV で評価され、AGI の30%が控除の上限となる。

本問では、寄贈日の FMV\$25,000 < 上限：AGI \$90,000 × 30% = \$27,000なので、**\$25,000**を控除することができる。

103. MCQ-01930

Choice "c" is correct. Stein may deduct \$24,000 on Stein's current year income tax return.

Rule: The taxpayer can deduct long-term (i.e., held longer than 12 months) capital gain appreciated property at the higher fair market value (higher than cost basis) without paying capital gains tax on the appreciated portion. This deduction is limited to 30% of AGI. A 5-year carryforward period applies.

Fair market value of appreciated long-term stock	\$ 25,000
Less: Limitation	
AGI	\$ 80,000
Times 30%	x .30
Deduction limit	<u>(24,000)</u>
Carryforward	<u>\$ 1,000</u>

【ポイント解説】

出題トピック	Charitable Contribution
対応する章	PART I 第10章

Stein 氏は、長期（1年超）保有の含み益がある株式を教育機関に寄付している。Long term capital gain (LTCG) property を寄付した場合には、特別に寄贈日の FMV で評価され、AGI の30%が控除の上限となる。

本問では、寄贈日の FMV\$25,000 > 上限：AGI \$80,000 × 30% = \$24,000となり、**\$24,000**が控除の上限となる。当年度控除しきれなかった上限額以上の寄付（本問では\$1,000）は、翌年以降、5年間の繰越しが可能。繰越した年度においても、AGI の30%の控除制限が適用される。

104. MCQ-01934

Choice "c" is correct. For a personal residence that is not used for rental purposes, no deduction is allowed for utilities costs or insurance, thus the only deductible amount here is for the mortgage interest. Note that property taxes (not present in this problem) are deductible. In this problem we are not told whether the interest relates to acquisition indebtedness or home equity indebtedness. If it is home equity indebtedness, the proceeds of the loan must be used to substantially improve the home and are subject to an overall loan amount of \$750,000 including any acquisition indebtedness.

Choice "a" is incorrect. The utilities cost is not deductible; furthermore, the deduction for personal residence interest is an itemized deduction.

Choice "b" is incorrect. The insurance cost is not deductible; furthermore, the deduction for personal residence interest is an itemized deduction.

Choice "d" is incorrect. For a personal residence, neither insurance costs nor utilities costs are deductible.

【ポイント解説】

出題トピック	Interest Expenses
対応する章	PART1 第10章

不動産賃貸活動においてはその必要経費を控除することができるが、個人使用の資産（e.g, 自宅）に対してかかった費用は、当然ながら、原則控除できない。但し、自宅の Real property tax（固定資産税）と Mortgage interest exp.（住宅を担保とした住宅取得ローンの支払利息）については、Itemized deductions で控除することができる。

本問では、別荘の固定資産税\$5,000を Itemized deduction で控除可。

105. MCQ-01936

Choice "d" is correct. Casualty losses are deductible as an itemized deduction if located in a presidentially declared disaster area. Casualty losses are generally computed as the decline in fair market value, except that the fair market value is limited to the property's basis, here \$150,000. Casualty losses are reduced by the amount of any insurance recovery, reducing this loss to \$20,000. Next, each individual loss is reduced by \$100, bringing this loss to \$19,900. Finally, the remaining total amount of all casualty losses (here there is only one) are deductible only to the extent that the amount exceeds 10% of AGI, or \$6,000 here. (\$150,000 – \$130,000 = \$20,000; \$20,000 – \$100 – \$6,000 = \$13,900.)

Choice "a" is incorrect. This is the market value decline minus the adjusted basis.

Choice "b" is incorrect. This is the adjusted basis minus the insurance reimbursement, without any limitations being applied.

Choice "c" is incorrect. In addition to the \$100 per loss nondeductible portion of each separate casualty loss, there is an overall limitation that the remaining total amount of all casualty losses is deductible only to the extent that it exceeds 10% of AGI.

【ポイント解説】

出題トピック	Casualty and Theft Loss
対応する章	PART1 第10章

2018年～2025年度申告においては、個人使用の資産の場合、連邦政府により宣言された大災害地域内（federally declared disaster area）で発生した災害・盗難損失のみ、控除することができる。

本問のケースは、上記に該当する。

④ <	Reduction in FMV	\$ 175,000
	Basis of the Property	\$ 150,000
	– Insurance Reimbursement (130,000)
	– \$100 (災害1件につき) (100)
	Eligible Loss	19,900
	– AGI × 10% (年間)	(6,000)
	Deductible Personal Casualty Loss	\$ 13,900

106. MCQ-15613

Choice "d" is correct. Moore's contribution limit for the current year is $60\% \times \$50,000 = \$30,000$. Against this limit she can take her current year contributions (\$18,000) plus the prior year carryover (\$10,000) until she reaches the current year limit. Thus, she can take all the current year contributions plus the carryover for a \$28,000 total. Choice "a" is incorrect. Moore is not limited to her prior year charitable contribution carryover. Choice "b" is incorrect. Moore may use part of her prior year charitable contribution carryover. Choice "c" is incorrect per the explanation above.

【ポイント解説】

出題トピック	Charitable Contribution
対応する章	PART I 第10章

現金寄付は、原則 AGI の60%が控除の上限となる。本問では、 $AGI \$50,000 \times 60\% = \$30,000$ が控除の上限となる。よって、当年度の現金寄付 \$18,000 + 過年度から繰り越されてきた現金寄付 \$10,000 = 計\$28,000を控除可。

<発展> 仮に AGI が\$40,000であった場合、 $AGI \$40,000 \times 60\% = \$24,000$ が控除の上限となる。この場合、当年度の現金寄付\$18,000 + 過年度から繰り越されてきた現金寄付\$10,000のうち \$6,000 = 計\$24,000を控除可 (FIFO ベース)。

107. MCQ-01951

Choice "c" is correct. State and local income taxes withheld from a cash-basis taxpayer are deductible in the year withheld, so Matthews can deduct the \$1,500 withheld. She can also deduct the \$400 in estimated tax liability she paid in the current year. The \$2,500 federal income tax withheld is not deductible in calculating federal income tax. The current year state and local income tax paid in the following year is not deductible until paid because she is a cash-basis taxpayer. The total amount of deductible taxes, therefore, is \$1,900. Choice "a" is incorrect. Federal income tax withheld is not deductible in calculating federal income tax. Since Matthews is a cash basis taxpayer, the \$300 state and local income taxes paid in the following year are not deductible until paid.

Choice "b" is incorrect. Since Matthews is a cash basis taxpayer, the \$300 state and local income taxes paid in the following year are not deductible until paid.

Choice "d" is incorrect. The \$400 state estimated income taxes are deductible in the current year since the amount was paid in the current year.

【ポイント解説】

出題トピック	Taxes
対応する章	PART I 第10章

現金主義を採用している納税者は、支払った年度に控除可。20X2年4月17日に支払った \$300については、20X2年度に控除することになる。なお、連邦所得税 (federal income taxes) は、Itemized deduction の税金控除の対象とはならないので注意しよう。よって、 $\$1,500 + \$400 =$ 計\$1,900が正解となる。

108. MCQ-01953

Choice "a" is correct. The casualty loss is measured by the difference in the property's value before (\$130,000) and after (zero) the casualty, in other words, \$130,000. The loss may not exceed the adjusted basis of the property. The casualty loss must be reduced by the \$120,000 insurance recovery to \$10,000. This loss is reduced by \$100 per casualty to \$9,900. The sum of all such casualty losses (there is only one in this case) is further reduced by 10% of the taxpayer's AGI for the year. $10\% \times \$70,000 = \$7,000$. The amount of the casualty loss that is deductible on Frazer's tax return is $\$9,900 - \$7,000 = \$2,900$.

【ポイント解説】

出題トピック	Casualty and Theft Loss
対応する章	PART I 第10章

①	<	Reduction in FMV	\$ 130,000
		Basis of the Property	\$ 130,000
		—Insurance Reimbursement (120,000)
		—\$100 (災害1件につき) (100)
		Eligible Loss	9,900
		—AGI × 10% (年間) (7,000)
		Deductible Personal Casualty Loss	\$ 2,900

109. MCQ-01956

Choice "a" is correct. Repair and maintenance of medical devices for a disabled dependent child (\$600) are deductible medical expenses. The cost of a special school for a handicapped person in an institution primarily for the availability of medical care, when the meals and lodging are merely incident to that care (\$8,000) is also a deductible medical expense.

Choice "b" "c" "d" are incorrect. Repair and maintenance of medical devices for a disabled dependent child are deductible medical expenses. The cost of a special school for a handicapped person in an institution primarily for the availability of medical care, when the meals and lodging are merely incident to that care is also a deductible medical expense.

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章

身体障害に関連するコスト (physically handicapped costs) は、あらゆるものが医療費控除の対象となる。本問では $\$600 + \$8,000 = \text{計}\$8,600$ となる。

110. MCQ-01968

Choice "c" is correct. The deduction for interest expense on investment indebtedness is limited to net investment income (investment income less investment expenses).

【ポイント解説】

出題トピック	Interest Expense
対応する章	PART I 第10章

投資活動上で借入れをした場合の借入利息 (投資利息: investment interest expense) はその年度の投資純利益 (net **taxable investment income**) を上限として控除することができる。

※ 非課税利息 (tax-exempt interest) は、上記の上限には含まれないので注意しよう。

111. MCQ-01979

Choice "c" is correct. Interest paid on debt not used to acquire or substantially improve a home is not deductible. This is true even if the debt is secured by a home.

Choice "a" is incorrect. Personal interest is not deductible. It is also called consumer interest.

Choice "b" is incorrect. Interest paid on debt secured by a home mortgage is not deductible if not used to acquire or substantially improve the home.

Choice "d" is incorrect. Interest paid on a debt secured by a home mortgage is not classified as investment interest.

【ポイント解説】

出題トピック	Interest Expenses
対応する章	PART I 第10章

2017年12月15日以降に生じた住宅取得ローン (acquisition indebtedness) については、自宅・別荘 (※2軒分まで) を取得、建築、改築するために資金を充当するローンであり、その住宅を「担保」として設定していることを条件として、ローン元本75万ドルを限度にその対応する支払利息を Itemized deductions で控除できる。

<参考> 2017年12月14日迄に締結していた既存の住宅取得ローンについては、ローン元本100ドルが上限となる。これは覚える必要はないだろう。

本問の場合、Browns 氏が息子の“医療費”の支払いのために行った\$20,000の借入れは、自宅を「担保」として設定しているが、上記の住宅取得ローンではないため、一切控除できない。

∴**選択肢“c”**が正解となる。

112. MCQ-01986

Choice "c" is correct. Mortgages of up to \$750,000 to buy, build, or substantially improve a home allow for the full deduction of interest. Interest on auto loans (consumer interest) is not deductible.

Choice "a" is incorrect. Mortgages of up to \$750,000 to buy, build, or substantially improve a home allow for the full deduction of interest.

Choice "b" is incorrect. Mortgages of up to \$750,000 to buy, build, or substantially improve a home allow for the full deduction of interest.

Interest on auto loans (consumer interest) is not deductible.

Choice "d" is incorrect. Interest on auto loans (consumer interest) is not deductible.

【ポイント解説】

出題トピック	Interest Expenses
対応する章	PART I 第10章

※前問の解説を参照のこと。
自動車ローンの支払利息は、私的利息 (personal interest) となり、一切控除が認められない。
本問の場合、取得\$17,000 + 改築\$1,500 = 計\$18,500の支払利息を控除することができる。

113. MCQ-02001

Choice "c" is correct. Medical expenses include physical therapy (professional medical services) and insurance premiums providing reimbursement for medical care. Prescription drugs are considered medical care. Insurance against loss of income is not payment for medical care and therefore is not deductible. Qualified medical expenses must be reduced by insurance reimbursement (\$2,000 + \$500 - \$1,500 = \$1,000). Choice "a" is incorrect. Insurance against loss of income is not payment for medical care and therefore is not deductible. Choice "b" "d" is incorrect. Medical expenses include physical therapy (professional medical services) and insurance premiums providing reimbursement for medical care.

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章

本問は、控除の対象となる医療費を見極める問題。医療保険料 (medical insurance premium) は医療費控除の対象であるが、けがや病気により働けなくなった時に備えて加入する所得補償保険料 (loss earning policy premium) は控除の対象とはならない。

本問の場合、医療費となるのは、手術後の理学療法 (リハビリ) \$2,000 + (処方薬の費用をカバーする) 医療保険料\$500 = 計\$2,500となるが、保険会社や雇用主等から医療費の払戻しを受けた場合にはその金額を差し引かなければならない。

Qualified Medical Expenses Paid & Charged	\$2,500
— Insurance Reimbursement	(1,500)
	\$1,000

— AGI × 7.5%

Deductible Medical Expenses

114. MCQ-02005

Choice "c" is correct. The \$4,000 cash contribution to the church is deductible. Relative to the purchase of the art object at the church bazaar, only the excess paid over fair market value (\$1,200 - \$800 = \$400) is deductible. The used clothing donation to the Salvation Army is deductible at its fair market value of \$600. The total deduction is \$5,000 (\$4,000 + \$400 + \$600). The contributions are also well below the 60% of adjusted gross income ceiling.

Choice "a" is incorrect. The art object deduction is not its fair market value of \$800, but the \$400 excess paid over its fair market value.

Choice "b" is incorrect. The used clothing donated to the Salvation Army is deductible at its \$600 fair market value. In addition, the art object deduction is only the \$400 excess paid over fair market value, not the \$1,200 paid.

Choice "d" is incorrect. The used clothing donated to the Salvation Army is deductible at its \$600 fair market value.

【ポイント解説】

出題トピック	Charitable Contribution
対応する章	PART I 第10章

次のページに続く・・・

本問では教会のバザーで美術品を購入しているが、適格団体への寄付の対価として何らかの物を受領した場合、「差額」のみ（本問では、購入価格\$1,200－FMV \$800＝\$400）が寄付金控除の対象となる。

当年度の AGI は\$60,000もあるため、現金・現物寄付ともに控除の上限にはひっかからない。よって、現金\$4,000＋差額\$400＋現物\$600＝計\$5,000。

115. MCQ-02006

Choice "c" is correct. Charitable contributions subject to the 60% limit that are not fully deductible in the year made may be carried forward five years.

Choice "a" is incorrect. Charitable contributions subject to the 60% limit that are not fully deductible in the year made may be carried forward.

Choice "b" is incorrect. Charitable contributions are never carried back.

Choice "d" is incorrect. Individual capital losses, not charitable contributions, are carried forward indefinitely until used up (or taxpayer's death).

【ポイント解説】

出題トピック	Charitable Contribution
対応する章	PART I 第10章

当年度控除しきれなかった上限額以上の寄付は、翌年以降「5年間」の繰越しが可能。繰越した年度においても、AGI の60%の控除制限が適用される。

なお、過年度からの繰越分がある場合の控除順序は、まず、①当年度に行った寄付金を先に AGI の%の上限まで控除し、さらに控除が可能であれば、②過年度から繰り越されてきた寄付金を古い年度のものから順番に控除する（FIFO ベース）。

116. MCQ-02007

Choice "a" is correct. Under the tax benefit rule, Farb should report the \$5,000 refund as income in Year 11 since Farb itemizes deductions and would have received a tax benefit from deducting the \$8,000 paid in Year 10.

Choice "b" is incorrect. Since Farb paid \$8,000 in property taxes in Year 10, Farb should deduct it in that year. This is true even though the \$8,000 was paid under protest. Do not net the refund against the amount paid and deduct the net amount in Year 11.

Choice "c" is incorrect. Since Farb paid \$8,000 in property taxes in Year 10, Farb should deduct it in that year. This is true even though the \$8,000 was paid under protest. Do not net the refund against the amount paid and deduct the net amount in Year 10.

Choice "d" is incorrect. Since Farb paid \$8,000 in property taxes in Year 10, Farb should deduct it in that year. There is no need to wait and file an amended Year 10 return in Year 11.

【ポイント解説】

出題トピック	Tax Refund
対応する章	PART I 第5章 PART I 第10章

FAR の政府会計で学習するが、財産税（property taxes）は、納税者が所有している財産に対して賦課される税金である（賦課課税方式）。所得税のように申告納税方式はとられていない。

Farb 氏は、Year10の動産税（personal property tax）を請求額通りに\$8,000納めたが、適正な税額は（\$5,000少ない）\$3000であるとして、法的な手続きを行った。Year11に、Farb 氏の訴えが認められ、\$5,000の還付を受けた。

Farb 氏は、タックス・ベネフィット・ルール（tax benefit rule）により、戻ってきた\$5,000の還付金を Year 11の GI に含めなければならない。なぜなら Year10に Itemized deduction を選択し、Year10に納めた\$8,000の動産税を全額控除しているから。

∴ 選択肢"a"が正解となる。

117. Released 2005

Choice "b" is correct. A capital expenditure for the improvement of a home qualifies as a medical expense if it is directly related to the prescribed medical care. However, it is deductible to the extent that the expenditure exceeds the increase in value of the home. Thus, Drake may only deduct \$75,000, the difference between the cost of improvement (\$100,000) and the increase in market value (\$25,000) of the home. In addition, the full cost of home-related capital expenditures to enable a physically handicapped individual to live independently and productively qualifies as a medical expense. The widening of hallways qualifies as this type of expense and, therefore, the entire \$10,000 is deductible.

Choice "a" is incorrect. Although a capital expenditure for the improvement of a home qualifies as a medical expense, it is only deductible to the extent that the expenditure exceeds the increase in value of the home. Thus, Drake may only deduct \$75,000, the difference between the cost of improvement (\$100,000) and the increase in market value (\$25,000) of home. Choice "c" is incorrect. In addition, to the capital improvement expenditure of \$75,000, the full cost of home-related capital expenditures to enable a physically handicapped individual to live independently and productively qualifies as a medical expense. The widening of hallways qualifies as this type of expense and, therefore, the entire \$10,000 is deductible.

Choice "d" is incorrect. Both the capital improvement expenditure of \$75,000 and the full cost of home related capital expenditures to enable a physically handicapped individual to live independently and productively (\$10,000) qualify as medical expenses.

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章

身体の障害等の理由で行った自宅の改築や特殊設備の設置については、これらにかかった総費用のうち、自宅の価値を増加させた部分を差し引いた額を医療費として控除可。よって、本問では、 $(\$100,000 - \$25,000) + \$10,000 = \text{計 } \$85,000$ 。

118. MCQ-04757

Choice "d" is correct. The doctor fees (\$5,000) and the contact lenses (\$500) are deductible medical expenses. The surgery is not deductible because elective cosmetic surgery is not done to improve or maintain health. Premiums on disabilities policies are not deductible since payments under the policy are made to replace lost income, not to pay for medical expenses. Choice "a" is incorrect. The surgery is not deductible because elective cosmetic surgery is not done to improve or maintain health. Premiums on disabilities policies are not deductible since payments under the policy are made to replace lost income, not to pay for medical expenses. Choice "b" is incorrect. The surgery is not deductible because elective cosmetic surgery is not done to improve or maintain health. Choice "c" is incorrect. Premiums on disabilities policies are not deductible since payments under the policy are made to replace lost income, not to pay for medical expenses.

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章

控除の対象となる医療費とは、主にけがや病気を治すために必要な費用および身体障害に関連するコストである。

本問では、医師の診療費用とコンタクトレンズ代は医療費となり、 $\$5,000 + \$500 = \text{計 } \$5,500$ となる。一方、美容整形費用、障害年金保険料 (disability insurance premium) は医療費控除の対象とはならないので注意しよう。

119. MCQ-06910

Choice "b" is correct. Gambling losses are miscellaneous itemized deductions. The deductions for gambling losses are, however, limited to gambling winnings. Choice "a" and "c" are incorrect. Gambling losses are deductible up to gambling winnings. Choice "d" is incorrect. The deduction for gambling losses cannot exceed gambling winnings.

【ポイント解説】

出題トピック	Miscellaneous Deductions
対応する章	PART I 第10章

ギャンブル損失は、その年度の GI に含めたギャンブル収入**\$3,000**を上限として、Itemized deduction の雑控除：その他の控除にて控除可。

120. Becker Example

Choice "a" is correct. Deductible medical expenses are those expenses that are "necessary" (such as doctors, prescriptions, required surgery, etc.) Non-deductible expenses are such things as elective surgeries, health club memberships and unnecessary medical expenditures. The Andradis's AGI is \$65,000; 7.5% of that is \$4,875. Qualified medical expenses are \$1,300 for their daughter's prescriptions and \$3,000 for physical therapy for their son. Total allowable gross expenditures of \$4,300 less the threshold of \$4,875. So the answer is zero. Choice "b" is incorrect. The son's physical therapy is also a deductible expenditure, and the \$1,300 does not take into account the 7.5% threshold. Choice "c" is incorrect. This answer is the threshold, which should then be compared to the qualified expenses in order to figure the amount to be deducted on Schedule A. Choice "d" is incorrect. This answer is the total deductible medical expenses; however, the answer does not take into account the 7.5% threshold.

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章

本問は、控除の対象となる医療費を見極める問題。まず、納税者本人、配偶者 (MFJ の場合)、**扶養家族 (medical dependent)** のために支払った医療費が控除の対象となる。処方薬 (prescription drugs) の費用は控除の対象となる。一方で、美容整形費用 (例：顔のしわ取り (face lift)、脂肪吸引 (liposuction)) や単なるマッサージ代は控除できない。本問において医療費となるのは $\$1,300 + \$3,000 = \text{計} \$4,300$ 。医療費は、AGI の7.5%を超過する部分を控除可。

Qualified Medical Expenses Paid & Charge	\$4,300
—Insurance Reimbursement	4,300
—AGI × 7.5%	4,875
Deductible Medical Expenses	\$ 0

121. MCQ-14730

Choice "b" is correct. Interest on a home mortgage, state taxes paid, and medical expenses in excess of 7.5% AGI are itemized deductions reported on Schedule A. Contributions to IRAs and alimony paid are adjustments to gross income to arrive at AGI. Child support is neither an adjustment nor an itemized deduction.

Home mortgage interest	\$ 5,200
State taxes paid	2,000
Medical expenses	1,500
Total itemized deductions	\$ 8,700

Choice "a" is incorrect. This answer includes only the interest paid on the mortgage and the state taxes. The medical expenses in excess of 7.5% AGI are also deductible on Schedule A. Choice "c" is incorrect. This answer includes the interest, state taxes paid, and the child support. It does not include the medical expenses (as is proper) and should not include the child support. Choice "d" is incorrect. This is the total of all items listed, three of which (the IRA contributions, alimony, and child support) should not be included.

【ポイント解説】

出題トピック	Itemized deductions 全般
対応する章	PART I 第10章

本問は、Itemized deductionsの6項目とAbove the line deductionsの11項目の区別を問う問題である。

- Deductible contribution to IRAs、Alimony paid (※2018年12月31日までに締結)は、Above the line deductionで控除可。
 - Child support (とProperty settlement)は控除不可。
- よって、Itemized deductionsは、残り3項目を合計した**\$8,700**が正解となる。

122. MCQ-04888

Choice "a" is correct. The calculation for the deduction is as follows:

Smaller loss (lesser of cost or decrease in FMV)	\$ 150,000
Less: Insurance Recovery	<u>(\$300,000)</u>
Taxpayer's Loss	(\$150,000) – negative, thus it is treated as zero
Less: Floor Amount of \$100	<u>(100)</u>
Eligible Loss	0
Less: 10% of AGI	<u>(\$7,500)</u>
Deductible Loss	0

No loss was incurred. The involuntary conversion rules must be followed for a taxpayer to not recognize a taxable gain.

【ポイント解説】

出題トピック	Casualty and Theft Loss
対応する章	PART1 第10章

本問のケースは、税法上の災害損失の評価額 \$150,000 < 保険金の受領額\$300,000 となり、Casualty gain (保険差益)となるケースである。

① Reduction in FMV	\$ 450,000
Basis of the Property	<u>\$ 150,000</u>
– Insurance Reimbursement	<u>(300,000)</u>
	(150,000) negative → zero
– \$100 (災害1件につき)	<u>(100)</u>
Eligible Loss	0
– AGI × 10% (年間)	<u>(7,500)</u>
Deductible Personal Casualty Loss	\$ 0

123. Becker Example

Choice "b" is correct. The Miller's tax is calculated as follows:

AGI	\$75,000
Itemized Deductions	
Medical	(\$1,875)
Mort. Int.	(\$8,000)
Taxes	<u>(\$ 6,500)</u> <\$10,000 limit
Total	(\$16,375)
Standard Deductions	
Regular	(\$25,900)
Additional	<u>(\$1,400)</u>
Total	(\$27,300) ⇒ <u>(\$27,300)</u>
Taxable income	<u>\$47,700</u>

The problem states that the Miller's wish to minimize their tax; thus, the choice must be made as to whether the itemized deductions exceed the standard deduction. Total standard deduction equal \$27,300 (2022), which exceeds the total itemized deduction of \$16,375.

Choice "a" is incorrect. This is the result if both standard deductions and itemized deductions are subtracted from AGI.

Choice "c" is incorrect. This is the result if only regular standard deduction subtracted from AGI.

Choice "d" is incorrect. This is the result if the itemized deductions, instead of the standard deduction is subtracted from AGI.

【ポイント解説】

出題トピック	Below the Line Deductions
対応する章	PART1 第4章 PART1 第10章

まず、Itemized deduction の合計額は\$16,375と計算される。Miller 夫妻の Standard deduction は、65歳以上の追加控除が1人分加算され、\$25,900 + \$1,400 (2022)=計\$27,300 である。

納税者は、Standard deduction または Itemized deduction いずれか「大きい」方を選択する。毎年(課税年度ごとに)納税者に有利な方を選択することができる。

∴上記の計算により、Miller 夫妻の課税所得は**\$47,700**となる。

124. MCQ-05265

Choice "d" is correct. In answering this question, we must assume that the examiners mean to ask, "What total amount of the tax expense should the Rites claim as an itemized deduction?" Obviously, the Rites have more deductions than just those tax deductions above, or they would tax advantage of the standard deduction. In any case, for cash-basis taxpayers, deductible taxes are generally deductible in the year paid, and real estate taxes, income taxes, and personal property taxes (e.g., ad valorem taxes on personal automobile) are allowable deductions. The total amount of deductions for tax expense is calculated as follows:

Real estate tax on personal residence	\$ 2,000
Ad valorem tax on personal automobile	500
Current-year state and city income taxes withheld	<u>1,000</u>
Total deduction for taxes	<u>\$ 3,500</u>

Choice "a" is incorrect. Real estate taxes and personal property taxes are allowable itemized deductions.
 Choice "b" is incorrect. Current-year state and city income taxes withheld from a paycheck are allowable itemized deductions.
 Choice "c" is incorrect. Personal property taxes (e.g., ad valorem taxes paid) are allowable itemized deductions.

【ポイント解説】

出題トピック	Taxes
対応する章	PART1 第10章

自宅の固定資産税\$2,000
 +自家用車の価値に基づき課された動産税\$500 (従価税: ad valorem tax)
 +源泉徴収された当年度の州・地方所得税\$1,000
 =計\$3,500<\$10,000 limitなので、
計3,500を Itemized deductionsで控除できる。

125. PII Nov 93 (Adapted)

Choice "c" is correct. Poole's total income tax would be calculated as follows:

Adjusted gross income (AGI)	\$ 30,000
Itemized deductions	<u>(13,750)*</u>
Taxable income	\$ 16,250
Tax rate	<u>× 0.12</u>
Total income tax	<u>\$ 1,950</u>

* Larger of \$12,950 standard deduction or \$13,750 itemized deduction (\$16,000 medical expenses less 7.5% × \$30,000 AGI).

Choices "a", "b", "d" are incorrect based on the above explanation.

【ポイント解説】

出題トピック	Below the Line Deductions
対応する章	PART1 第4章 PART1 第10章

まず、Itemized deductions の合計額を計算する。医療費は AGI の7.5%を超過する部分を控除可。本問では医療費\$16,000－(AGI \$30,000×7.5%)＝\$13,750を控除可。
 後は与えられた金額等を用いて課税所得を計算し、所得税額を計算する。
 ※本問においては、与えられた唯一の税率で税額の計算を行う。

126. MCQ-02110

Choice "c" is correct. Transportation to physician's office for required medical care is a deductible medical expense for tax purposes.
 Choice "a" is incorrect. Vitamins are not deductible.
 Choice "b" is incorrect. Health club dues paid on a membership for general health care are not deductible. In order for the dues to be deductible, the membership would need to be recommended by a physician for a specific illness.
 Choice "d" is incorrect. Premiums paid for insurance that covers the expenses of medical care are deductible as medical expenses, including Medicare B premium payments and any voluntary premiums for Medicare A.

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章

通院交通費は医療費控除の対象となる。

一方、ビタミン剤、健康維持のためのスポーツクラブの会費 (health club dues)、強制加入のA種メディケア税は控除できない。

127. MCQ-02113

Choice "d" is correct. Home equity debt is only deductible when used to buy, build, or substantially improve the taxpayer's home that secures the loan. Choices "a", "b", and "c" are incorrect based on the above explanation.

【ポイント解説】

出題トピック	Interest Expenses
対応する章	PART I 第10章

2017年12月15日以降に生じた住宅取得ローン (acquisition indebtedness) については、自宅・別荘 (※2軒分まで) を取得、建築、改築するために資金を充当するローンであり、その住宅を「担保」として設定していることを条件として、ローン元本75万ドルを限度にその対応する支払利息を Itemized deductions で控除できる。

住宅を担保としたローン (home equity loan) は、その用途が自宅・別荘を取得、建築、改築する場合にのみ、その支払利息を控除できる。要は、借入金の用途に制限がある。

∴**選択肢"d"**が正解となる。

128. MCQ-02118

Choice "d" is correct. Scott could claim \$6,800 on his current year tax return for medical expenses.

1. Medical expenses charged to a credit card is expensed in the year the charge is made. It does not matter when the amount charged is actually paid.
2. Expenses paid for the medical care of a decedent by the decedent's spouse are included as medical expenses in the year paid, whether they are paid before or after the decedent's death.

Choices "a", "b", and "c" are incorrect, per the above rules.

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章 PART VII 第3章

納税者本人、配偶者 (MFJ の場合)、扶養家族 (medical dependent) のために支払った医療費が控除の対象となる。クレジットカードによる支払いの場合には、カードの使用年度に控除可。

本問の場合、扶養家族である息子の医療費 \$4,000 + 配偶者の医療費 \$2,800 = **計\$6,800**が、当年度の医療費控除の対象となる。

129. MCQ-14723

Choice "b" is correct. A medical expense deduction is allowed for payments made in the current year for medical services received in earlier years.

Choice "a" is incorrect. A medical expense paid by credit card is deductible in the year the amount is charged to credit card (rather than in a subsequent year when the credit card bill is paid). Choice "c" is incorrect. Vitamins and supplements are not qualified medical expenses. Choice "d" is incorrect. A medical expense deduction is allowed for Medicare insurance premiums.

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章

選択肢"b"：医療費は、実際に支払った年度に控除する。過年度の医療費の支払いであっても、支払った年度に控除可。∴正しい。

選択肢"a"：クレジットカードの使用年度 (charged) に控除可。∴誤り。

選択肢"c"：処方箋が必要ない医薬品 (例：ビタミン剤などのサプリメント) は医療費控除の対象とはならない。∴誤り。

選択肢"d"：医療保険料および任意加入のメディケアは、医療費控除の対象となる。∴誤り。

130. MCQ-07181

Choice "d" is correct. The deduction for investment interest expenses is limited to net taxable investment income which is defined as taxable investment income minus all related investment expenses **deduction** (other than investment interest expense); therefore, net investment income is equal to \$10,000. All \$5,000 of the investment interest is deductible because it is less than \$10,000.

Taxable investment income includes: (i) interest and dividends (if taxed at ordinary income tax rates), (ii) rents (if the activity is not a passive activity), (iii) royalties (in excess of related expenses), (iv) net short-term capital gains, and (v) net long-term capital gains if the taxpayer elects not to claim the net capital gains reduced tax rate.

Choices "a", "b", and "c" are incorrect per the above rule and per the above computations.

【ポイント解説】

出題トピック	Interest Expenses
対応する章	PART I 第10章

\$5,000の投資利息は、投資純利益：Net taxable investment income (=投資所得\$10,000-投資利息以外の当該投資関連費用控除額\$0) を上限として控除可。∴**\$5,000**全額を控除可。

<参考> トランプ税制改正により、投資利息以外の投資関連費用は、2018年~2025年度申告においてはItemized deductionで控除できない。

131. (1) MCQ-02121

Choice "d" is correct.

Wheelchair repair	\$300
School for handicapped	<u>4,000</u>
Medical expenses	<u>\$4,300</u>

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章

身体障害に関連するコスト (physically handicapped costs) は、あらゆるものが医療費控除の対象となる。車椅子の修繕維持費用・養護学校の授業料等は医療費控除の対象となる。

131. (2) MCQ-02125

Choice "a" is correct. \$1,200 tax deduction for state income tax. The Burgs could opt to deduct either their state and local income tax or sales tax. Whichever is greater. Self-employment tax is **not** an itemized deduction, but employer-equivalent portion can be used as adjustment in arriving at AGI.

【ポイント解説】

出題トピック	Taxes
対応する章	PART I 第10章

予定納税・源泉徴収により当課税年度中に支払った州の所得税 (state income tax) **\$1,200** は Itemized deduction で控除可。税金控除 (RIPS) は、年間合計\$10,000を上限として控除が認められるが、上限を超えていない。

自営業者税 (self-employment tax) は、Itemized deductions ではなく (Schedule C の事業経費でもなく)、その50%を Above the line deductions で控除可。

131. (3) MCQ-02132

Choice "c" is correct.

Payment to qualified charity	\$160
Fair value of 4 tickets at \$25	<u>(100)</u>
Charitable contribution	<u>\$60</u>

【ポイント解説】

出題トピック	Charitable Contributions
対応する章	PART I 第10章

寄付の対価：支払った (寄付した) 額と、対価として受領したものの時価の「差額」のみ控除可。

131.(4) MCQ-02138

Choice "a" is correct. \$0 casualty loss deduction on Schedule A because damage caused in home by dog is controllable, and avoidable, and, thus, is not unexpected and does not qualify as a "casualty." In addition, a casualty loss is only deductible if it is in a nationally declared disaster area.

【ポイント解説】

出題トピック	Casualty and Theft Losses
対応する章	PART I 第10章

災害損失とは、突然の、予想することができない、非日常的な (sudden, unexpected or unusual) 出来事による結果としてもたされた資産の破損、破壊、喪失による損失をいう。犬が花瓶を壊すのは予想することができるので、災害損失とはならない。控除不可なので\$0。

なお、2018年～2025年度申告においては、個人使用の資産の場合、連邦政府により宣言された大災害地域内 (federally declared disaster area) で発生した災害・盗難損失のみ、控除可。

132. TAC Original

Choice “c” is correct. Capital expenditures for medical care that improve a residence are deductible up to the amount that the expenditure exceeds any increase in value to the property. Therefore, the expenditures that are deductible are:

Wheelchair ramp 車椅子用スロープ	800
Bathroom modifications 浴室改装	5,000
Increase in FMV 自宅の価値増加分	(2,000)
Other wheelchair modification その他の車椅子用の改良	<u>2,000</u>
Medical expenses	<u>\$5,800</u>

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章

身体の障害等の理由で行った自宅の改築や特殊設備の設置については、これらにかかった総費用のうち、自宅の価値を増加させた部分を差し引いた額を医療費として控除可。よって、浴室改築にかかった総費用\$5,000から\$2,000を差し引く。

133. TAC Original

Choice “d” is correct. School fees are not generally deductible on Schedule A. However, if the primary purpose for attendance at a school is to receive medical care, it is not necessary to ascertain how much of the school fees were associated with provision of medical care – the full amount of the school fees can be deducted. Therefore, as Michael attends the school primarily in order to receive necessary medical care, Mary and John can deduct the full amount of the school fees on Schedule A

【ポイント解説】

出題トピック	Medical Expenses
対応する章	PART I 第10章

身体障害に関連するコスト (physically handicapped costs) は、あらゆるものが医療費控除の対象となる。養護学校の費用\$10,000全額が控除の対象となる。

134. TAC Original

Choice “a” is correct. When services are provided for a charitable organization, the taxpayer may not claim any deduction for the value they would have normally received for performing such services. Their donation is limited to the actual-out-of-pocket expenses they incur. This includes their traveling expenses, lodging and 50% of meals consumed while away from home. This is also only deductible if there is no other purpose associated with the travel, such as pleasure, recreation or visiting friends. Therefore, Janet’s charitable contribution is limited to:

Travel by car	\$50
Accommodation	300
Meals	<u>20</u> (40x50%)
Charitable contribution	<u>\$370</u>

【ポイント解説】

出題トピック	Charitable Contributions
対応する章	PART I 第10章

サービス：人的役務の価値は、寄付金控除の対象とはならない。但し、サービスの寄付を行うためにかった交通費※・宿泊費・食事代（自営業者の飲食費と同様、総額の50%のみ）・その他関連費用の実費は控除可。

※サービスの寄付を行うために車両を用いた場合、車両費（燃料費）は、実費または（寄付金控除における）標準レート1マイル当たり14セントを控除可。

135. TAC Original

Choice “d” is correct. All gambling winnings should be reported as “other income” on page 1 of the 1040, not just winnings to the extent that they exceed losses. Not all gambling losses may be deducted – only losses up to the amount of gambling winnings are deductible. These gambling losses may be deducted as a miscellaneous itemized deduction

【ポイント解説】

出題トピック	Miscellaneous Deductions
対応する章	PART1 第10章

ギャンブル収入は、雑所得 (other income) として「全額」GI に含める。その後、ギャンブル損失を、その年度の GI に含めたギャンブル収入を上限として Itemized deduction の雑控除：その他の控除で控除可。控除しきれなかった場合でも繰越し制度はない。
∴ **選択肢”d”**のみ、正しい。

136. TAC Original

出題トピック	Rental Income or Loss
対応する章	PART1 第5章 PART1 第10章

本問は、自宅の一部を賃貸しているケースである。賃貸部分として使用している面積などの基準によって費用を按分し、賃貸使用分のみを Schedule E で賃貸経費として控除することができる。

(1) Choice “b” is correct. In order to determine net rental income, all of the expenses listed are deductible on Schedule E to offset rental income. As the apartment is 10% of the entire building, the amount deductible is 10% of the expenses:

Schedule E: Rental Expenses

10% of Mortgage Interest	\$ 600
10% of Homeowners Insurance	\$ 300
10% of Real Estate Taxes	\$ 200
10% of Depreciation (entire building)	<u>\$ 100</u>
	<u>\$ 1,200</u>

Therefore, Mark’s net rental income is \$5,000 (rent received) less \$1,200 (10% of the above expenses), which is **\$3,800**.

賃貸使用部分は10%である。

(2) Choice “c” is correct. As seen in the answer to question above, 10% of the above expenses were taken to Schedule E. Therefore, Mark has 90% of the expenses to allocate. However, homeowner’s insurance and depreciation (which are deductible on Schedule E) are not deductible on Schedule A. Therefore, all that Mark may deduct on Schedule A is 90% of his mortgage interest and 90% of the real estate taxes.

Schedule A: Itemized Deductions

90% of Mortgage Interest	\$5,400
90% of Real Estate Taxes	<u>\$1,800</u>
	<u>\$7,200</u>

上記2つの費用：住宅取得ローンの支払利息と固定資産税のみ、個人使用部分となる残り90%を Schedule A：Itemized deduction で控除可。

137. MCQ-08783

Choice “d” is correct. The QBI deduction is taken from adjusted gross income (“below the line”). It is not part of the itemized deductions. Choice “a” is incorrect. The QBI deduction is not an adjustment to arrive at adjusted gross income. Choice “b” is incorrect. The QBI deduction is not an itemized deduction. Choice “c” is incorrect. The QBI deduction is not an alternative to the standard deduction.

【ポイント解説】

出題トピック	QBI Deduction
対応する章	PART1 第10章

適格事業所得控除 (qualified business income (QBI) deduction ; Sec.199A deduction) は、AGI の下での控除となるが、控除額は、Form 1040 の1 ページ目の 13 行目に記入する。

※Blow the line deductions は、以下の2つ；
1. Standard または Itemized deductions
2. QBI deduction
∴ **選択肢”d”**が正解となる。

138. MCQ-08787

Choice "a" is correct. Accounting services are considered an SSTB for purposes of the qualified business income deduction.

Choice "b" is incorrect. A manufacturing firm is a qualified trade or business (QTB) and not an SSTB.

Choice "c" is incorrect. An engineering firm is specifically excluded from the definition of an SSTB.

Choice "d" is incorrect. Architectural services are specifically excluded from the definition of an SSTB.

【ポイント解説】

出題トピック	QBI Deduction
対応する章	PART1 第10章

「特定人的役務提供事業 (specified service trade or business; SSTB)」とは、医療・法律・会計・保険数理・芸術・コンサルティング・スポーツ・財務サービス・ブローカー等の特定分野における人的役務提供事業をいう。

※工学 (engineering)、建築設計 (architectural services) は除かれている。

<補足> 上記 SSTB の定義 (特定分野) は、Vol.2 テキスト 136 ページ (直前対策まとめ p.5) 記載の人的役務提供法人 (personal service corp; PSC) と比較しておさえておこう。上記※に注意。

139. MCQ-08788

Choice "c" is correct. The basic calculation for the QBI deduction is $20\% \times \text{QBI}$. The deduction is subject to limitations.

Choice "a" "b" and "d" are incorrect. The basic calculation for the QBI deduction is $20\% \times \text{QBI}$.

【ポイント解説】

出題トピック	QBI Deduction
対応する章	PART1 第10章

原則：国内適格事業所得 (qualified business income; QBI) $\times 20\%$ を AGI の下で控除可。

※上記事業所得には、給与・パートナーが受領する Guaranteed payment・利息配当・キャピタルゲイン等は含まれない。不動産賃貸所得については、セーフハーバー規定が用意されており、一定の要件を満たしていれば、QBI とみなされる。

140. MCQ-08789

Choice "d" is correct. A QTB and an SSTB are treated the same for taxpayers under the taxable income thresholds for the QBI deduction.

Choice "a" is incorrect. For taxpayers under the taxable income limitations, the QBI deduction is allowed if the taxpayer is a QTB or an SSTB.

Choice "b" is incorrect. The QBI deduction is not phased out for an SSTB if the taxpayer is under the taxable income limitations.

Choice "c" is incorrect. The QBI deduction is not limited to 50% of wages if the taxpayer is under the taxable income limitations.

【ポイント解説】

出題トピック	QBI Deduction
対応する章	PART1 第10章

(レンジ下) 当年度の QBI 控除前の Taxable income が \$170,050 (single) / \$340,100 (MFJ) 以下の納税者の場合、原則： $\text{QBI} \times 20\%$ が控除の対象となる。

①適格事業 (qualified trade or business; QTB)

②特定人的役務提供事業 (specified service trade or business; SSTB) のいずれに該当しても、同じ取扱いである。∴選択肢"d"が正解となる。

141. MCQ-08790

Choice "a" is correct. For a specified service trade or business (SSTB) over the taxable income limitation, no QBI deduction is allowed.

Choice "b" is incorrect. For a qualified trade or business (QTB) over the taxable income limitation, W-2 wage and property limitations do apply.

Choice "c" is incorrect. For a qualified trade or business (QTB) over the taxable income limitation, W-2 wage and property limitations apply in full and are not phased in.

Choice "d" is incorrect. For a specified service trade or business (SSTB) over the taxable income limitation, no QBI deduction is allowed.

【ポイント解説】

出題トピック	QBI Deduction
対応する章	PART1 第10章

(レンジ上) 当年度の QBI 控除前の Taxable income が \$220,050 (single) / \$440,100 (MFJ) 超の納税者の場合、

- ① 適格事業 (QTB) : 控除制限規定 (W-2 wage and property limitation) が完全に適用される。
 - ② 特定人的役務提供事業 (SSTB) : 一切控除は認められない。
- ∴ 選択肢 "a" が正解となる。

142. MCQ-08791

Choice "b" is correct. Once the QBI deduction is calculated based on the taxpayer's eligibility, the overall deduction is limited to the lesser of combined QBI deduction or 20% of the taxpayer's taxable income in excess of net capital gain (including qualified dividends).

Choice "a" is incorrect. Once the QBI deduction is calculated based on the taxpayer's eligibility, the overall deduction is limited to the lesser of combined QBI deduction (not 50% of the combined QBI deduction) or 20% of the taxpayer's taxable income in excess of net capital gain (including qualified dividends).

Choice "c" is incorrect. The wage and property limitation determines the calculation of the QBI deduction but is not the overall limitation to the QBI deduction.

Choice "d" is incorrect. Taxable income limitations based on filing status determine the calculation of the QBI deduction. The overall limitation to the deduction, however, is the lesser of combined QBI deduction or 20% of the taxpayer's taxable income in excess of net capital gain (including qualified dividends).

【ポイント解説】

出題トピック	QBI Deduction
対応する章	PART I 第10章

Overall limitation : 当年度の QBI 控除全体 (合計) に対し、(QBI 控除前の Taxable income から Net capital gain と Qualified dividends を差し引いた金額) × 20% が控除の上限となる。

∴ 選択肢 "b" が正解となる。

143. Becker Example

Choice "d" is correct. $\$30,000 \text{ QBI} \times 20\% = \$6,000$. W-2 wage and property limits do not apply to qualified trade or businesses with income below the taxable income threshold (2022: Single $\$170,050$).

Choice "a" is incorrect. The W-2 wage and property limitations do not apply to a qualified trade or business under the taxable income limitations. Therefore, the deduction for QBI is not limited to $\$5,000$ (W-2 wages of $\$10,000 \times 50\% = \$5,000$).

Choice "b" "c" are incorrect. $\$30,000 \text{ QBI} \times 20\% = \$6,000$

【ポイント解説】

出題トピック	QBI Deduction
対応する章	PART I 第10章

(レンジ下) 原則 : $\text{QBI } \$30,000 \times 20\% = \underline{\$6,000}$
 < Overall limit : (QBI 控除前の Taxable income $\$100,000 - \text{Net capital gain } \$0) \times 20\% = \$20,000$.

※①適格事業 (QTB) ②特定人的役務提供事業 (SSTB) のいずれに該当しても同じ取扱いである。

144. Becker Example

Choice "d" is correct.

Calculation:

$\$192,550 \text{ taxable income} - \$170,050 \text{ threshold for 2022} = \$22,500 / \$50,000 = 45\%$ of phase-out applies.

$\text{QBI } \$80,000 \times 20\% = \$16,000$

W-2 limit: $20,000 \times 50\% = \$10,000$

$\$16,000 - \$10,000 = \$6,000$ complete phase-out amount

$45\% \times \$6,000 = \$2,700$ applicable phase-out

THEREFORE:

$\text{QBI } \$80,000 \times 20\% = \$16,000$ full QBI deduction

$\$16,000 - \$2,700$ applicable phase-out = $\$13,300$ QBI deduction

Choices "a", "b", and "c" are incorrect. See calculation above.

【ポイント解説】

出題トピック	QBI Deduction
対応する章	PART I 第10章

(レンジの間) 当年度の QBI 控除前の Taxable income が \$170,050～\$220,050 (single) / \$340,100～\$440,100 (MFJ) の間に入る納税者の場合、

- ① 適格事業 (QTB) : 下記の控除制限規定が部分的に適用される。
- ② 特定人的役務提供事業 (SSTB) : 控除額が減し、下記の控除制限が部分的に適用される。

本問は①QTB なので、控除制限規定が部分的に適用される。

- ④ < 原則 : QBI \$80,000 × 20% = \$16,000
 上限 : W-2 wage limit : 以下いずれか大
 a. \$20,000 × 50% = \$10,000
 b. \$20,000 × 25% + \$0 = \$5,000

上限超過額 (原則と上限の差額) \$6,000 を以下の算式で計算される割合分減額し控除額を計算する。

$100\% - [(Taxable\ income\ \$192,550 - \$170,050) \div \text{レンジ幅}\$50,000] = 45\%$ 。

要は、控除制限を 45% 分適用する。

原則 : \$16,000 - 上限超過額 \$6,000 × 45% = \$13,300

< Overall limit : (QBI 控除前の Taxable income \$192,550 - Net capital gain \$0) × 20% = \$38,510。

※QBI 控除額の計算はレンジ上とレンジ下の計算をしっかりとマスターしよう。
 レンジの間 (中間) は、余力があったらおさえる程度で、十分に合格できる。

11. Other Taxes

解答編

145. MCQ-05903

Choice "b" is correct. Earnings from self-employment are subject to the income tax as well as to the federal self-employment tax. Thus, Juan must pay self-employment tax on the earnings of the business.

Choice "a" is incorrect. Because Juan is the proprietor of a sole proprietorship (as opposed to an employee of an employer), the flower shop will not pay Juan a wage, and thus will not withhold either income taxes or FICA taxes from that wage.

Choice "c" is incorrect. There is no provision exempting a proprietorship from self-employment taxes for its first three years of operations.

Choice "d" is incorrect. No self-employment tax is owed if self-employment income, after multiplying by 92.35 percent, is less than \$400. However, Juan's self-employment income exceeds this threshold, and thus Juan is not exempt from either of the two components of the self-employment tax (the Medicare tax and the Social Security tax).

【ポイント解説】

出題トピック	Self-Employment Tax
対応する章	PART1 第5章 PART1 第11章

自営業者税は、従業員 (employee) ではない形態で事業を行う個人に対して課せられる。具体的には、個人事業主 (農業従事者も含む)、会社役員、パートナーなど。

本問の Juan 氏は個人事業主 (自営業者) として生花店を営んでいる。

自営業者の事業所得 (純利益) には、次の2つの税金：所得税と自営業者税 (Self-Employment (SE) Tax=Medicare and Social Security Tax) が課される。∴**選択肢"b"**が正解となる。

選択肢"a"：個人事業の場合は事業主である自身へ給与を支払うことはない (事業所得 (純利益) が自身の取り分となる)。事業所得については、従業員の給与とは異なり、所得税も FICA 税も源泉徴収の対象とはならない。

選択肢"c"：このような免除規定は存在しない。

選択肢"d"：厳密には、Schedule C で計算された事業所得 (純利益) に92.35%をかけた金額が \$400以上あれば、Form 1040および Schedule SE の提出が必要となる (Vol.1テキスト17ページの<参考>を参照のこと)。本問の Juan 氏の場合、十分な事業所得があるため、自営業者税が免除されることはない。

146. MCQ-01699

Choice "c" is correct. Guaranteed payments are reasonable compensation paid to a partner for services rendered (or use of capital) without regard to his ratio of income. Guaranteed payments are self-employment income to the recipient, therefore are subject to self-employment (Social Security and Medicare) tax in addition to income tax. A shareholder in an S corporation receives a salary, rather than a guaranteed payment, for services provided to the corporation. The shareholder is employed by the corporation, not self-employed, so half of the Social Security and Medicare taxes are paid by the corporation and half are withheld from the shareholder's salary.

A partner's distributive share of partnership ordinary business income is self-employment income subject to self-employment tax (if to a general partner). A shareholder's distributive share of S corporation ordinary business income is **not** self-employment income. This avoidance of self-employment tax is one reason that a business may choose to organize as an S corporation rather than a partnership or LLC.

【ポイント解説】

出題トピック	Self-Employment Tax
対応する章	PART I 第11章 PART III 第3章 PART IV 第8章 ※TAX 直前対策まとめ p.53

パートナーシップからパートナーにパス・スルーされる通常事業所得 (ordinary business income) 及びパートナーが受領した **Guaranteed payments** は自営業者税 (Self-Employment Tax) の対象となる (但し1402条にリミテッド・パートナーに関する除外規定あり)。※Guaranteed paymentの詳細は、PART III Partnership 第3章にて学習する。

S Corp の株主にパス・スルーされる通常事業所得 (ordinary business income) は、(株主が事業に実質的に関与していようがまいが、) 自営業者税の対象とはならない。∴ **選択肢 "c"** が正解となる。一方、LLC のメンバーは、一定の例外はあるが、原則としては、パートナーシップ課税の場合、パートナーと同様に、自営業者税の対象となる。これは、S Corp 株主と比較した場合、LLC メンバーの不利な点といえる。

※S Corp と LLC の特徴は、PART IV Corporation 第9章にて学習する。

147. TAC Original

Choice "b" is correct. Dan's self-employment income is computed as follows:

Director's fees	\$2,000
Distributive share of partnership income	8,000
Non-employee compensation	<u>30,000</u>
Self-employment income	<u>\$40,000</u>

Choices "a", "c", and "d" are incorrect per above.

【ポイント解説】

出題トピック	Self-Employment Tax
対応する章	PART I 第11章 PART III 第3章 PART IV 第8章 ※TAX 直前対策まとめ p.53

※前の2問の解説も参照のこと。
会社役員の役員報酬 (director's fee)、パートナーシップからパートナーにパス・スルーされる通常事業所得 (ordinary business income)、非従業員報酬 (nonemployee compensation ; NEC) は自営業者所得となり、自営業者税の対象となる。Schedule SE

で自営業者税を計算し、Schedule 2の4行目を通じて、Form 1040の2ページ目の23行目で申告する。

サラリーマンの給与所得は、給与税 (FICA Tax = Medicare and Social Security Tax) の対象で、雇用主により毎月の給与から源泉徴収される。米国では、サラリーマンの場合、FICA Tax (= Medicare and Social Security Tax) は労使折半であるが、FUTA Tax (連邦失業保険税) は雇用主のみが負担する。そのため、サラリーマンが受領する失業保険給付金 (unemployment compensation) は、「全額」課税対象となる。

<参考> Employee vs. Independent contractor

被雇用者	所得税・雇用関連税 (FICA / FUTA)	発行書類	自営業者税 (SE Tax)
従業員 (給与所得者)	雇用主による源泉徴収要	Form W-2	×
独立契約者 (自営業者)	×	Form 1099-NEC	申告納付要

148. CPA Evolution

Choice "c" is correct. Mills' alternative minimum taxable income starts with his taxable income (\$70,000). This is increased by state and local taxes paid (\$5,000) and property taxes paid (\$2,000) for a total of \$77,000. The home mortgage interest on a loan to acquire the residence (\$6,000) does not increase alternative minimum taxable income.

Choice "a" is incorrect. State and local income taxes must be added back to Mills' taxable income in calculating alternative minimum taxable income.

Choice "b" is incorrect. Property taxes paid and deducted as itemized deductions must be added back to Mills' taxable income in calculating alternative minimum taxable income.

Choice "c" is incorrect. Home mortgage interest is not added back to Mills' taxable income to calculate alternative minimum taxable income.

Regular taxable income	\$70,000
+ AMT adjustments	
State and local income taxes	5,000
Property taxes	2,000
+ Tax preference items	
AMTI	<u>\$77,000</u>

【ポイント解説】

出題トピック	Alternative Minimum Tax
対応する章	PART1 第11章

Itemized deductions で控除した全ての税金を全額戻し戻す。∴前のページの計算の通り、\$77,000が正解となる。

※住宅取得ローンの支払利息は調整の対象とはならない。

149. CPA Evolution

Choice "d" is correct. Deductible contributions to individual retirement accounts are not an adjustment or preference in calculating a taxpayer's alternative minimum taxable income. They are an adjustment in calculating adjusted gross income for regular (not alternative minimum) tax purposes. Choices "a", "b", and "c" are incorrect. Adjustments to arrive at AMTI include individual net operating losses, passive activity losses, and deductible state and local taxes.

【ポイント解説】

出題トピック	Alternative Minimum Tax
対応する章	PART1 第11章

AMT Adjustments 項目は、ニーモニック／語呂合わせ (**PANIC TS**) で覚えてしまおう。

本試験では、AMT Adjustment 項目と Preference 項目の単なる区別が問われることが多い。

(± Timing difference)

- ① Passive activity losses
 - ② Accelerated depr. **after 1986**
 - ③ Net operating loss
 - ④ Installment method
 - ⑤ Contracts(Long-term) %
- (+ Itemized deductions)
- ⑥ Taxes
 - ⑦ Standard deduction

150. CPA Evolution

Choice "b" is correct. Tax exempt interest from private activity bonds (generally) and accelerated depletion, depreciation, or amortization are alternative minimum tax preference items. Charitable contributions of

appreciated capital gain property are not alternative minimum tax preferences.

【ポイント解説】

出題トピック	Alternative Minimum Tax
対応する章	PART1 第11章

Tax preference 項目は、ニーモニック／語呂合わせ (**PPP**) で覚えてしまおう。

- ① Private activity bonds tax-exempt interest
- ② Pre-1987 accelerated depreciation over SL
- ③ Percentage of depletion

151. CPA Evolution

Choice "d" is correct. Alternative minimum tax (AMT) paid can be claimed as a credit against other years if the tax was paid on items that increased AMT that year but will reverse in later years. The concept is the same as deferred taxes for financial accounting purposes. The credit is carried forward indefinitely.

【ポイント解説】

出題トピック	Alternative Minimum Tax
対応する章	PART1 第11章

追加納付した AMT (Timing difference のみ) は、将来の Regular tax に対する Credit (税額控除) となる。要は『AMT=将来の Regular Tax の前払い』ということである。追加納付した AMT (Timing difference のみ) は、AMT Credit として、差異が解消されるまで「**無期限**」に繰越し可能。

152. CPA Evolution

Choice "b" is correct. The alternative minimum tax (AMT) is computed as the excess of tentative AMT over the regular tax.

Choice "a" is incorrect. The alternative minimum tax (AMT) is the excess of the tentative AMT over the regular tax, not the other way around.

Choice "c" is incorrect. The alternative minimum tax (AMT) is the excess of the tentative AMT over the regular tax, not the sum of the tentative AMT plus the regular tax.

Choice "d" is incorrect. The alternative minimum tax (AMT) is the excess of the tentative AMT over the regular tax, not the lesser of AMT or regular tax.

【ポイント解説】

出題トピック	Alternative Minimum Tax
対応する章	PART I 第11章

Tentative Minimum Tax が通常の税額 (regular tax) よりも「大きい」場合に、その差額を AMT として追加納付しなければならない。

∴ 選択肢“b”が正解となる。

153. CPA Evolution

Choice "c" is correct. Both mortgage interest and real estate property taxes are deductible for regular (schedule A) tax purposes. However, real estate property taxes are not allowed as a deduction for AMT purposes.

Choice "a" is incorrect. Mortgage interest is allowed as a deduction for AMT purposes.

Choice "b" is incorrect. Real estate property taxes are not allowed for AMT purposes

Choice "c" is incorrect. The \$2,000 real estate property taxes are an add back for AMT purposes.

【ポイント解説】

出題トピック	Alternative Minimum Tax
対応する章	PART I 第11章

Itemized deductionsについて、AMTの計算でも控除可能となるもの(金額)が問われている。AMT Adjustments項目のTSをもう一度確認してみよう。

AMTの計算でも、住宅取得ローンの支払利息は控除が認められている。∴ \$11,000は控除可。

AMTの計算では、税金の控除は一切認められないため、AMTIの計算上、全額足し戻すことになる。

154. CPA Evolution

Choice "c" is correct. State income taxes are allowed as an itemized deduction for regular tax purposes, but not for AMT purposes.

Choice "a" is incorrect. Traditional IRA account contributions are allowed for both regular tax purposes and AMT purposes.

Choice "b" is incorrect. One-half of the self-employment tax deduction is allowed for both regular tax purposes and for AMT purposes.

Choice "d" is incorrect. Charitable contributions are allowed as deductions for both regular tax purposes and for AMT purposes.

【ポイント解説】

出題トピック	Alternative Minimum Tax
対応する章	PART I 第11章

個人の AMT adjustments 及び Tax preference 項目は、ニーモニック/語呂合わせ (PANICTS PPP) で覚えてしまおう。

上記項目は AMTI を計算する上で調整が必要となる。一方、上記に該当しない控除項目は AMT の計算上も控除でき調整は不要である。

本問では、AMT の計算上控除できない項目が問われているため、AMTI を計算する上で調整が必要な選択肢“c”：州の所得税が正解となる。

155. CPA Evolution

Choice "d" is correct. AMT credits may be carried forward indefinitely against regular tax.

Choice "a" is incorrect. The AMT of an individual is determined by adjusting the individual's regular taxable income by certain tax preference items and adjustments, subtracting the AMT exemption, and applying the applicable AMT rates to the resulting AMT income.

Choice "b" is incorrect. AMT is based on tax rates of both 26% and 28%.

Choice "c" is incorrect. Tax preference items are added back to taxable income in computing alternative minimum taxable income (AMTI).

【ポイント解説】

出題トピック	Alternative Minimum Tax
対応する章	PART I 第11章

選択肢“d”：追加納付したAMT (Timing differenceのみ) は、将来のRegular taxに対するCredit (税額控除) となる。要は、『AMT=将来のRegular Taxの前払い』ということである。追加納付したAMT (Timing differenceのみ) は、AMT Creditとして、差異が解消されるまで無期限に繰越し可能。∴正しい。選択肢“d”が正解となる。

選択肢“a”：AMTの計算方法についてだが、このような規定は存在しないので、誤り。

選択肢“b”：個人のAMT用の税率は、法人のように一律ではなく、2段階(26%、28%)あるので、誤り。また、Regular taxable incomeではなく、AMTIである。

選択肢“c”：Tax Preference項目は、AMTIを計算する過程で常に加算する項目であるため、誤り。

12. Tax Credits

解答編

156. MCQ-04885

Choice "a" is correct. Although Seth is covered by a plan, the second factor (the income limitation) is not exceeded, thus, both Seth's and Sheila's contributions should be deductible. In addition, both should qualify for a portion of the credit. Choices "b", "c", and "d" are incorrect based upon the above explanation.

【ポイント解説】

出題トピック	Retirement Plan Contribution
対応する章	PART1 第9章 PART1 第12章

Traditional IRA への積立額を AGI の上で控除することができるが、夫婦合算申告 (MFJ) を用いている場合には、原則として、年間\$12,000 (\$6,000 × 2人分) もしくは夫婦の合算勤労所得 (combined earned income ※) のいずれか小さい方を上限として控除可。

※ たとえ一方の配偶者にしか稼ぎがなくても、その勤労所得が\$12,000以上あれば2人分の控除が認められる。

本問の夫婦の場合、片方が企業年金に加入しているため、AGI の金額を計算する。

$$\text{AGI} = \$35,000 \text{ w.} + 500 \text{ int.} + \$50 \text{ prize} = \boxed{\$35,550}$$

$$\text{Earned income} = \$35,000$$

よって、\$12,000 (2人分) 控除可。

(2022年度)	< \$109,000	原則ルール
ケース②	\$129,000	加入あり 0
どちらか一方が加入している	~204,000	加入なし \$6,000
	>\$214,000	加入あり 0 加入なし 0

本問で問われているのは
Traditional IRA又はRoth IRAへの積立額は、さらに、**Retirement Saving Contribution Credit**として控除可。重複して利用できる。

∴選択肢"a"が正解となる。

157. MCQ-04887

Choice "a" is correct. The Retirement savings contribution credit is a non-refundable credit. The EIC and child tax credit could result in a refunded amount beyond the actual tax liability, depending upon the taxpayer's income levels. In addition, if excess social security is paid, the taxpayer can receive a refund of those amounts regardless of the income tax liability being reduced to zero.

【ポイント解説】

出題トピック	Refundable Credit
対応する章	PART1 第12章

Refundable (還付可能)

- ① Withholding taxes (W-2) / Estimated taxes
 - ② Excess social security taxes withheld
 - ③ Earned income credit (EIC)
 - ④ Child tax credit
- ※④ American opportunity credit は\$1,000まで還付可能。

158. MCQ-15618

Choice "c" is correct. The full child tax credit is available for MFJ taxpayers with AGI up to \$400,000. The eligible children must be under the age of 17. The two Koz children qualify for the child tax credit of \$2,000 each (\$4,000 total). Choices "a", "b", and "d" are incorrect. See explanation above.

【ポイント解説】

出題トピック	Child Tax Credit
対応する章	PART1 第12章

2018～2025年度（※2021年度を除く）においては、“Qualifying Child（CARES）”の要件を満たした17歳未満の子供1人につき年間\$2,000の税額控除が認められる。このうち、最高で年間\$1,500が還付可能な税額控除（refundable tax credit）として利用できる。※高額所得者に対する控除制限規定あり。

本問では、子供2人（17歳未満）がChild tax creditの対象となるので、 $\$2,000 \times 2人 =$ 計**\$4,000**となる。このうち、**\$1,500**が還付可能。

159. MCQ-15617

Choice "b" is correct. The Tillers' child tax credit is \$4,000 ($\$2,000 \times 2$ children). The refundable portion of the child tax credit for 2022 is the lesser of earned income less \$2,500 multiplied by 15% or \$1,500.

Choices "a", "c", and "d" are incorrect. See explanation above.

【ポイント解説】

出題トピック	Child Tax Credit
対応する章	PART I 第12章

前問の解説を参照のこと。

160. MCQ-02012

Choice "c" is correct. The earned income credit is refundable. Eligible taxpayers can get advance payments from their employers because the credit is assured.

【ポイント解説】

出題トピック	Earned Income Credit
対応する章	PART I 第12章

特別に還付可能な税額控除（refundable tax credit）として **Earned income credit** をおさえておこう。

特に **Child tax credit / Credits for other dependents** や **Education credits** (American opportunity & Lifetime learning credits) は、Simulation 形式での出題が考えられる。

161. MCQ-11783

Choice "b" is correct.

The legal fees and agency fee ($\$8,000 + \$3,000 =$ **\$11,000**) would be qualifying expenses for the tax credit < deduction limit \$14,890 (2022). Medical expenses do not qualify for the tax credit.

Choice "a" "b" "c" are incorrect. \$5,000 of the \$16,000 of total expenses are not eligible.

Agency fee is also a qualifying expense. Medical expenses are not eligible for the credit.

【ポイント解説】

出題トピック	Adoption Credit
対応する章	PART I 第12章

一定の要件を満たした子供を養子とした際に要した費用（※当然ながら医療費は含まれない）のうち、2022年度においては養子1人当たり\$14,890を限度として控除することができる。

※扶養子供の医療費は、医療費控除の対象となる。

162. MCQ-02179

Choice "c" is correct. An employee who has had social security tax withheld in an amount greater than the maximum for a particular year, may claim the excess as a **credit** against income tax, if that excess resulted from correct withholding by two or more employers.

Choice "b" is incorrect. The employee may not seek reimbursement of the excess if the excess resulted from correct withholding by two or more employers.

Choice "d" is incorrect. The employee may not claim the excess as a credit against income tax, if that excess was withheld by one employer. The employer must adjust the excess for the employee.

【ポイント解説】

出題トピック	Excess Social Security Tax Withheld
対応する章	PART I 第12章

複数の雇用主 (two or more employers) によって各々正しく徴収されていた場合、社会保障税の超過納付額 (excess social security taxes paid) を還付可能な税額控除 (refundable tax credit) として控除し、その分還付が受けられる。

∴ **選択肢" c "**が正解となる。

13. Tax Procedures

解答編

※本章の内容については、TAX 直前対策まとめの p.49に要点を整理している。

163. MCQ-02063

Choice "b" is correct. The penalty for failure to file a tax return by the due date is 5% per month or fraction of month (up to a max of 25%) on the amount of tax shown as *due* on the return. The penalty for failure to pay by the due date (1/2% per month) is also based on the amount *due*.

【ポイント解説】

出題トピック	Penalty Imposed on Taxpayers
対応する章	PART I 第13章

Failure-to-File (Late Filing) Penalty :

申告書が定められた期限内に提出されない場合、未納税額に対し1ヵ月ごとに5%相当が罰則金として課せられる（最高25%まで）。

未納税額がない場合、この罰則金は生じない。

Failure-to-Pay (Late Payment) Penalty :

納付すべき税額が定められた期限内に完納されない場合、未納税額に対し1ヵ月ごとに0.5%相当が罰則金として課せられる（最高25%まで）。

本問では、確定所得税額 (tax liability) \$50,000 - 源泉徴収税額 \$45,000 = 未納税額 \$5,000 に対し上記罰則金が課せられる。

164. MCQ-02093

Choice "c" is correct. Accuracy-related penalties apply to the portion of tax underpayments attributable to negligence or disregard of tax rules and regulations as well as to any substantial understatement of income tax.

【ポイント解説】

出題トピック	Penalty Imposed on Taxpayers
対応する章	PART I 第13章

Accuracy-Related Penalty :

納税者の過失または故意によって税法・規則を無視したことによる税額の過少申告の場合、未納税額の20%相当が Negligence Penalty として課せられる。税額の過少申告が“著しい”場合には、

同じく未納税額の20%相当が Substantial Understatement Penalty として課せられる。

∴ **選択肢“c”**が正解となる。

165. MCQ-06595

Choice "a" is correct. The negligence penalty with respect to understatement of tax is an accuracy-based penalty for negligence or for disregard of tax rules and regulations.

Choice "b" is incorrect. The negligence penalty with respect to understatement of tax is computed as 20%, not 25%, of the understatement of tax.

Choice "c" is incorrect. The negligence penalty with respect to understatement of tax defines "disregard" as any careless, reckless, and intentional, not unintentional, disregard of tax rules and regulations.

Choice "d" is incorrect. The negligence penalty with respect to understatement of tax is not imposed in conjunction with the penalty for substantial underpayment of tax and the penalty for a substantial valuation misstatement. If the negligence penalty with respect to understatement of tax is imposed, the other two penalties cannot also be imposed.

【ポイント解説】

出題トピック	Penalty Imposed on Taxpayers
対応する章	PART I 第13章

Negligence Penalty について正しい記述を選ぶ問題である。前問の解説を参照のこと。

選択肢“b”：25%でなく、20%。∴誤り。

選択肢“c”：unintentional（故意でない）が誤り。

選択肢“d”：正確性に関する罰則金 (accuracy related penalty) には3種類あるが、いずれかの罰則金が課されることになる。∴誤り。

∴ **選択肢“a”**のみ、正しい。

なお、本問では、Loppe 氏に Negligence Penalty が課されるだろうということで問題文が作成されている。

166. MCQ-06666

Choice "c" is correct. The taxpayer can generally avoid penalties if he/she acted in good faith, if there was a reasonable basis to support the tax return position, **and** if the taxpayer did not have willful neglect.
Choice "a" and "b" are incorrect. See explanations above. Choice "d" is incorrect. The taxpayer can generally avoid penalties under certain circumstances.

【ポイント解説】

出題トピック	Penalty Imposed on Taxpayers
対応する章	PART1 第13章

納税者は、以下をすべて満たしていれば、税額の過少申告に関する罰則金 (accuracy-related penalty) が原則免除される。※未納税額と延滞利息は支払うことになる。

- a. Had **reasonable cause** to support the tax return position;
納税者の申告ポジションに合理的な理由（根拠）があること。
- b. Acted in **good faith**;
誠実であったこと。
- c. Did **not** have **willful neglect**.
故意に税法・規則を無視したわけではないこと（＝「過失」であること）。
- ∴ **選択肢"c"**が正解となる。

167. MCQ-06665

Choice "c" is correct. The more likely than not standard involves a position that has a more than 50% chance of succeeding.

Choice "a" is incorrect. The reasonable basis standard involves a position that is arguable but fairly unlikely to prevail in court. A numerical statement of this standard has at least a 20% chance, not a 10% chance, of succeeding.

Choice "b" is incorrect. The substantial authority standard involves a position that has a more than 40% chance, not a one-in-four chance, but a less than 50% chance of succeeding.

Choice "d" is incorrect. Reports issued by the U.S. Congress, IRS regulations, rules, and releases, and U.S. court case decisions, but not foreign court case decisions, constitute substantial authority for the substantial authority standard.

【ポイント解説】

出題トピック	Penalty Imposed on Taxpayers
対応する章	PART1 第13章

納税者の抗弁に関して正しい記述の選択肢を選ぶ問題である。根拠レベルと罰則金免除については、Vol.1テキスト250ページ（直前対策まとめ p.49）のまとめを参照のこと。

選択肢"a"： **Reasonable basis** とは、納税者の申告ポジションに**20%超**（3分の1以下）の確率で認められる可能性がある合理的な根拠がある状態をいう。10%ではないので、誤り。

<補足> **Not frivolous** とは、20%以下の確率しかないが、明らかに不適当とはいえ議論の余地はある (not patently improper, but arguable) 申告ポジションをいう。この根拠レベルの申告ポジションは、罰則金免除の抗弁とはならない。

選択肢"b"： **Substantial authority** とは、納税者の申告ポジションに**40%超**の確率で認められる可能性がある相当な根拠がある状態をいう。4分の1超ではないので、誤り。

選択肢"c"： **More likely than not** とは、納税者の申告ポジションに**50%超**の確率で認められる可能性がある相当な根拠がある状態をいう。
∴正しい。

選択肢"d"：納税者の申告ポジションを支持する **Authority**（税法・規則・判例・その他の法規 ※但し、租税条約や諸外国での判例を除く）が正反対（別）の取扱いを支持するものよりも現実的な場合に、**Substantial authority**があると認められる。∴誤り。

168. MCQ-06671

Choice "c" is correct. If John relied on the opinion of a reputable accountant or attorney who prepared his return and furnished all relevant information, in general, he would have a reasonable basis for the tax return position and could avoid the penalties for understatement of tax.

Choice "a" is incorrect. If John took a reasonable position on his tax return, he is subject to the penalty for understatement of tax and not to the penalty for substantial understatement of tax (both would not be applied at the same time). The exact penalty that would apply would depend on the amount of the understatement of tax.

Choice "b" is incorrect. If there was a reasonable basis for a disclosed tax position on the tax return, and John acted in good faith, the penalty for understatement of tax would **NOT** apply if John actually did understate his tax. He would still be liable for the unpaid tax, and any interest, but he would not be liable for the penalty.

Choice "d" is incorrect. If John's understatement of tax is a substantial understatement, the penalty is the same percentage (20%) as for a simple understatement.

【ポイント解説】

出題トピック	Penalty Imposed on Taxpayers
対応する章	PART1 第13章

正しい記述を選ぶ問題である。
 選択肢"a"：過少申告による不足税額の金額の大きさに応じて Negligence penalty または Substantial understatement penalty のいずれかが課せられる。∴誤り。

選択肢"b"：税額の過少申告に関する罰則金免除の前提条件は、Good faith（誠実）であったこと及び Willful neglect（故意の無視）ではないこと。納税者が申告時に開示（disclosure）していた申告ポジションについては、Reasonable basisがあれば、税額の過少申告に関する罰則金（accuracy-related penalty）は原則免除される。∴誤り。

選択肢"d"：Substantial understatement penalty も、Negligence penalty と同じく未納税額に対し20%となる（いずれかが課せられるため、倍の40%にはならない）。∴誤り。

消去法により、**選択肢"c"**が正解となる。
 選択肢"c"：一般的に、申告書作成者（tax return preparer）が納税者に勧め申告書上に反映したポジションには *Reasonable basis* 以上の根拠レベルがあると考えられる。∴正しい。

169. MCQ-06673

Choice "d" is correct. U.S. District Court cases are heard before one judge, not a panel of judges. Choice "a" is incorrect. The U.S. Court of Federal Claims follows the decisions of the Federal Court of Appeals, but **NOT** the geographical (regional) Courts of Appeals. Choice "b" is incorrect. Judges for the U.S. Tax Court hear cases at various locations in the country, but the justices for the U.S. Supreme Court do NOT. The Supreme Court hears cases in Washington, DC with all nine justices present. The Supreme Court does not conduct jury trials. Choice "c" is incorrect. When the U.S. Supreme Court denies a writ of certiorari, it does NOT confirm the lower court's decision.

【ポイント解説】

出題トピック	Federal Judicial Process
対応する章	PART1 第13章

正しい記述を選ぶ問題。※直前対策まとめは p.50。
 選択肢"a"：連邦請求裁判所 (U.S. Court of Federal Claims) は、連邦政府への請求事件を取り扱う裁判所である。控訴は、全米を担当する連邦控訴裁判所 (U.S. Court of Appeals for *Federal Circuit*) に行く。各巡回区（地域）を担当する連邦控訴裁判所 (U.S. Court of Appeals for *Regional Circuit*) ではない。∴誤り。

選択肢"b"：連邦租税裁判所 (U.S. Tax Court) の裁判官は全米各地で裁判を行うが、連邦最高裁判所 (U.S. Supreme Court) は首都ワシントンにおいてのみ裁判を行う。∴誤り。

選択肢"c"：連邦最高裁判所 (U.S. Supreme Court) が事件移送命令 (writ of certiorari) を出さなければ、下位裁判所の判決の再審理は行われない。∴誤り。

選択肢"d"：連邦地方裁判所 (U.S. District Court) では、裁判官1人により裁判が行われる。∴正しい。

170. Becker Example

Choice "b" is correct. The total tax on the return is \$5,100. Bob paid in \$4,500 by the original due date of the return (\$4,200 withholding plus \$300 paid in with the extension). The additional \$600 (\$5,100 – \$4,500) is subject to the Failure-to-Pay Penalty because it was paid after the original due date of the return.

【ポイント解説】

出題トピック	Penalty Imposed on Taxpayers
対応する章	PART1 第2章 PART1 第13章

本問の問題設定をまとめると、以下のようになる。

- ・ Y1年度中の源泉徴収税額（前払い）＝\$4,200。
- ・ Y2年3月23日に延長を申請。\$300を納税。
- ・ Y2年5月18日に申告書を提出。
- ・ Y1年度の確定所得税額＝\$5,100。

Failure-to File (Late Filing) Penalty :

延長後の期限内（本問では10/15まで）に申告書を提出しているため、Failure-to-File Penaltyは課されない。

Failure-to-Pay (Late Payment) Penalty :

納付すべき税額が定められた期限内（本問では4/15まで）に完納されない場合、未納税額に対し1ヵ月ごとに0.5%相当が罰則金として課せられる（最高25%まで）。

本問では、4/15時点での未納税額**\$600**（＝所得税額\$5,100－源泉徴収\$4,200－追加納税\$300）に対し、Failure-to-Pay Penaltyが課せられる。

<参考> 申告書の提出期限の延長（extension）を受けた場合、原則の申告期限（個人所得税：4/15）までに当年度の納税額の90%を納付し、なおかつ、延長後の申告期限（個人所得税：10/15）までに完納すれば、Failure-to-Pay Penaltyは例外的に課されない。本問の場合、 $\$4,500 \div \$5,100 = 88\%$ である。

Underpayment Penalty :

予定納税の過少納付（及び源泉徴収不足）による罰則金（underpayment penalty：前払不足のペナルティ）は、申告納税額（前払不足）が\$1,000未満であれば、課されない。

本問では、所得税額\$5,100－源泉徴収税額\$4,200＝\$900なので、Underpayment Penaltyは課されない。

171. Becker Example

Choice "d" is correct. Following an audit, if agreement is reached with the taxpayer, the taxpayer signs Form 870.

Choice "a" is incorrect. Upon submission, all returns are checked for mathematical accuracy and to ensure that required items such as Social Security numbers and signatures are not missing. This check is made regardless of whether or not the return indicates a refund.

Choice "b" is incorrect. Office audits are not normally performed at the national office of the IRS in Washington, DC. They are normally performed at local IRS offices.

Choice "c" is incorrect. The Appeals Division, but not a revenue agent, can settle an unresolved tax issue based on the probability of winning the case in court.

【ポイント解説】

出題トピック	Tax Audit
対応する章	PART1 第13章

正しい記述を選ぶ問題である。

選択肢"a"：提出された全ての申告書について計算が正しいか（mathematical accuracy）や記入漏れがないかなどのチェックを行う。
∴選付となる申告書だけではないので、誤り。

選択肢"b"：納税者の自宅または事業所がある地域を管轄するIRSオフィスで、面接調査が行われる。∴誤り。

選択肢"c"：不服審判部（appeals division）は、納税者からの不服申立てに対して、訴訟となった場合の危険性を考慮した解決策を提示できる権限を持つ（※IRSの調査官はこの権限を持たない）。
∴誤り。

選択肢"d"：税務調査の結果に納税者が同意した場合、納税者は、合意書面（Form 870）に署名し、不足税額、罰則金及び延滞利息を支払う。合意書面への署名により、納税者は不服審判申立て、税務訴訟を行う権利を放棄することになる。
∴正しい。

172. MCQ-06678

Choice "d" is correct. The U.S. Court of Federal Claims has jurisdiction over most claims for money damages against the United States, one type of which is tax refunds.

Choice "a" is incorrect. The Supreme Court seldom hears tax cases, regardless of the importance of the tax issues to the economic health of the nation. That means that the Courts of Appeals often have the last word on tax issues.

Choice "b" is incorrect. The U.S. Tax Court is a specialized trial court, not an appellate court. It hears only Federal tax cases, not Federal tax and other Federal cases.

Choice "c" is incorrect. Unlike normal non-tax cases, the taxpayer most often bears the burden of proof in civil tax cases. In certain tax cases, the burden of proof shifts to the IRS, but this shift has nothing to do with which party can afford expensive lawyers.

【ポイント解説】

出題トピック	Judicial Process
対応する章	PART I 第13章

更正内容について IRS と納税者の間で合意に至らなかった場合、納税者は必要な手続きを経て、連邦租税裁判所等で税務訴訟を行える。税務訴訟に関して正しい記述を選ぶ問題である。

選択肢"a"：連邦最高裁判所 (U.S. Supreme Court) では税務訴訟はめったに扱われていない。∴誤り。

選択肢"b"：連邦租税裁判所 (U.S. Tax Court) は、連邦税の税務訴訟 (federal tax cases) のみを取り扱う第1 (事実) 審裁判所 (trial court) である。∴誤り。

選択肢"c"：通常、原告となる納税者側に立証責任がある。∴誤り。

選択肢"d"：連邦請求裁判所 (U.S. Court of Federal Claims) は、連邦政府への (還付) 請求事件を取り扱う裁判所である。∴正しい。

Federal Taxation– Vol.1 問題集

2023年4月6日 初版初刷発行

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発 行 者 多 田 敏 男

発 行 所 TAC 株式会社

〒101-8383

東京都千代田区神田三崎町3-2-18

印刷・製本 株式会社 日興印刷

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Printed in Japan

For the USCPA Exam

USCPA

Federal Taxation

(TAX) Vol.1

Taxation and Regulation

(REG)

Tax Compliance and Planning

(TCP)

TAC

For The CPA Evolution,
Exams Scheduled
From January 1, 2024
Ver.6 問題集



093-2228-1006-16

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