

2021: TaxNewsFlash Year in Review

February 8, 2022

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Looking for a quick way to identify what happened in the U.S. federal tax arena last year? Want to see if you missed any recent federal tax developments? Or, just looking for an easy way to find a *TaxNewsFlash* (TNF) on a particular topic of interest from last year?

KPMG LLP has compiled an easy-to-use list of many recent federal tax developments to help users quickly identify what happened in 2021 in the federal tax arena.

Editions of *TaxNewsFlash* addressing federal legislative, administrative, and judicial tax developments are listed. The list includes KPMG's special reports, including reports on U.S. responses to COVID-19 and on the Biden Administration tax legislative agenda (including Congressional consideration during 2021 of proposed "Build Back Better" legislation).

The list is divided into five broad topics: (1) Legislative, (2) Executive Branch / Administrative, (3) Judicial, (4) Treaties / Puerto Rico, and (5) KPMG Reports. Most of these topics are further divided into subtopics. Note that:

- Each item includes a link to the underlying TaxNewsFlash.
- In most cases, developments are listed in reverse chronological order (i.e., most recent first); however, court cases generally are listed in alphabetical order.
- Some items (such as KPMG reports) may be listed in multiple places.
- The list does not reference editions of *TaxNewsFlash* on matters other than U.S. federal tax developments. It also generally does not include editions of "specialty" *TaxNewsFlash* publications that address matters such as FATCA, exempt organizations, trade and customs, cooperatives, digital taxation, and transfer pricing. See the *TaxNewsFlash* U.S. home page for links to these publications.

Biden Tax Agenda

For KPMG's reports of possible tax legislation during the Biden Administration, see <u>TaxNewsFlash-</u> <u>Biden Tax Agenda</u>

Coronavirus (COVID-19) tax developments

For KPMG's reports of tax developments in response to coronavirus (COVID-19), see <u>Coronavirus</u>. (COVID-19) tax developments. To read more, see <u>COVID-19: Insights on Tax Impacts</u>

Tax Reform: Developments and analysis guide

This **website** links to federal tax developments (including Treasury and IRS guidance and enacted legislation), as well as to KPMG analyses and observations, regarding provisions in the 2017 tax law often called the Tax Cuts and Jobs Act (or "TCJA").

Taxation of the Digitalized Economy

For KPMG's reports on developments concerning the tax treatment of the digital economy, including digital services tax and the taxation of online, remote sales, see <u>Taxation of the</u> <u>Digitalized Economy</u>

Catching Up on Capitol Hill

For more observations regarding developments relevant to business taxation, listen to the *Catching Up on Capitol Hill* podcast series, which includes podcasts recorded in 2021.

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Legislative

Enacted Legislation

Nov 15 - President signs bipartisan infrastructure bill, tax provisions are enacted

Mar 30 - President Biden signs legislation extending PPP (COVID-19)

Mar 15 - <u>Legislative changes to "Shuttered Venue Operators Grant" program and PPP eligibility</u> requirements

Mar 11 - President Biden signs COVID relief legislation

Jan 4 - Beneficial ownership reporting requirement in defense authorization veto override

House

Nov 19 - House passes "Build Back Better Act" with tax measures (KPMG report)

Nov 5 - House passes bipartisan infrastructure bill with tax provisions, completing congressional action

Nov 3 - House Democrats propose more modifications to "Build Back Better Act"

Oct 28 - <u>House Rules Committee releases updated version of the "Build Back Better Act" (initial impressions)</u>

Oct 28 - House Rules Committee releases new legislative text for "Build Back Better Act"

Sep 28 - House Budget Committee's report on "Build Back Better Act" (the reconciliation bill)

- Sep 16 KPMG report: Tax proposals for budget reconciliation legislation approved by Ways and Means
- Sep 15 Ways and Means approves tax title to Build Back Better Act
- Sep 13 Ways and Means releases additional proposals for markup, including tax increases
- Sep 11 Ways and Means releases additional proposals for markup, including tax credits and incentives
- Sep 7 <u>Ways and Means announces first part of budget reconciliation markup, includes qualified plan</u> proposals
- Aug 24 U.S. House passes budget resolution; implications for major tax legislation
- Jul 2 Ways and Means, Finance chairs express support for global minimum tax
- Jun 16 House passes bill requiring country-by-country reporting of pre-tax profits, taxes paid
- May 12 Proposal to require country-by-country reporting of pre-tax profits, taxes paid
- May 5 Ways and Means approves retirement security bill
- Apr 27 House Ways and Means Chairman Neal introduces economic plan, includes tax provisions
- Mar 10 Congress passes COVID relief legislation
- Mar 10 Compensation and benefits-related provisions in COVID relief bill
- Feb 27 House passes COVID-19 relief bill, including tax provisions
- Feb 12 Ways and Means advances reconciliation legislation
- Feb 8 Ways and Means schedules mark-up of COVID-19 relief proposals
- Feb 1 Congressional Democrats release FY 2021 budget resolution

Senate

- Dec 12 Senate Finance releases possible revised text of "Build Back Better Act"
- Dec 11 Preliminary text of Senate Finance's portion of "Build Back Better Act"
- Oct 27 Senate Finance Chairman Wyden unveils "billionaires income tax"
- Oct 26 Senate Finance Chairman Wyden introduces "corporate profits minimum tax"
- Sep 22 Senate approves Assistant Secretary for Tax Policy
- Sep 17 <u>KPMG report: Senate Finance Chairman Wyden discussion draft to reform taxation of passthrough entities</u>
- Sep 10 Senate Finance Chairman Wyden proposes excise tax on stock buybacks
- Sep 10 <u>Senate Finance Chairman Wyden releases discussion draft on reforming taxation of passthrough</u> entities
- Aug 25 <u>Senate Finance Chairman Wyden, Democratic members: Discussion draft on overhauling U.S.</u> international taxation
- Aug 18 Senate Finance Chairman Wyden introduces housing bill, includes tax credits
- Aug 12 Senate infrastructure bill would expand cryptocurrency tax reporting
- Aug 11 U.S. Senate passes budget resolution; implications for major tax legislation
- Aug 10 Senate approves infrastructure bill, including tax provisions
- Aug 5 Senate Finance Chairman Wyden introduces carried interest bill
- Aug 5 Senate Finance Chairman Wyden's bill on tax treatment of derivatives
- Aug 2 <u>Senate releases legislative text of bipartisan infrastructure bill</u>
- Jul 20 <u>Senate Finance Chairman Wyden's proposal to modify section 199A qualified business income</u> deduction

Jul 2 - Ways and Means, Finance chairs express support for global minimum tax

Jun 10 - <u>Senate Finance Committee approves Treasury Department officials, including Assistant</u> <u>Secretary for Tax Policy</u>

May 27 - Senate Finance Committee marks up energy tax legislation

Apr 21 - Tax incentives included in Senate Finance Chair's energy bill

Apr 5 - <u>Senate Finance Chairman Wyden</u>, <u>Democratic members</u>: <u>Framework on overhauling U.S.</u> <u>international taxation</u>

Mar 25 - Senate passes bill extending PPP through June 30, 2021

Mar 17 - Senate committee hearings to include discussions of U.S. tax system

Mar 6 - Senate passes its version of COVID-19 relief bill

Joint Committee on Taxation

Nov 4 - JCT revenue estimate of tax provisions (as modified) in "Build Back Better Act"

Sep 22 - <u>IRS webpage: Resource and information about refunds subject to review by Joint Committee on</u> <u>Taxation</u>

Sep 13 - <u>JCT estimated budgetary effects, technical explanation of revenue-raising Ways and Means</u> proposals

Sep 11 - JCT descriptions, estimated budgetary effects of Ways and Means proposals

Apr 15 - <u>JCT overview of federal tax system (2021)</u>

Jan 27 - JCT list of expiring federal tax provisions, 2021-2029

Other

Jul 20 - Proposal for border carbon adjustment tariff

Apr 14 - Comparing Biden and Wyden international tax proposals (KPMG chart)

Feb 2 - KPMG report: Biden Administration and the 117th Congress; possible tax legislation

Jan 4 - <u>New Congress begins</u>

Jan 4 - Beneficial ownership reporting requirement in defense authorization veto override

Executive Branch / Administrative

Legislative Proposals

May 31 - <u>KPMG report: Analysis and observations of tax proposals in Biden Administration's FY 2022</u> <u>budget</u> May 28 - <u>KPMG report: Initial impressions of tax proposals in Biden Administration's budget for FY 2022</u>

- May 28 Green Book—Treasury's explanation of tax proposals in FY 2022 budget
- May 28 Biden Administration's budget proposals for FY 2022
- May 20 KPMG report: Tax reform proposals—BEAT down, SHIELD up
- Apr 28 President Biden announces American Families Plan, individual tax proposals
- Apr 28 Treasury proposals for tax administration reforms
- Apr 14 Updated charts reflecting provisions in President Biden's business tax proposals
- Apr 7 <u>U.S. Treasury releases report "Made in America Tax Plan"</u>
- Mar 31 President Biden announces plans with major business tax proposals
- Feb 2 KPMG report: Biden Administration and the 117th Congress; possible tax legislation

Additional KPMG Reports

For KPMG's reports providing descriptions of tax provisions in the administration's FY 2022 budget concerning certain taxpayers, industries, or sectors, see <u>KPMG reports: Analysis and observations</u> of tax proposals in Biden Administration's FY 2022 budget

Executive Orders

Jan 21 - Biden Administration imposes temporary freeze on regulations

Final Regulations

Dec 30 - **T.D. 9961:** <u>Final regulations: Tax consequences of transition from IBOR to other rates (text of regulations)</u>

Dec 28 - T.D. 9959: Final regulations: Foreign tax credit and clarifying FDII (text of regulations)

Nov 17 - **T.D. 9958:** <u>Regulations: Information reporting about prescription drugs and health care spending</u> by group health plans and health insurance issuers

Sep 30 - T.D. 9955: Regulations: Measures to address "surprise" medical billing

Sep 27 - T.D. 9957: Final regulations: Process, user fee for requesting estate tax closing letter

Sep 21 - **T.D. 9954:** <u>Final regulations: Distributions of property by corporations to shareholders</u>

Sep 21 - **T.D. 9956:** <u>Final regulations: Rules relating to qualified business asset investment (QBAI) (text of regulations)</u>

Sep 8 - **T.D. 9953:** <u>Regulations: Recapture of excess employment tax credits under the "American</u> <u>Rescue Plan Act" (COVID-19)</u>

Jun 10 - T.D. 9950: <u>Final regulations: Mandatory 60-day postponement of tax deadlines, federally</u> <u>declared disasters</u>

Jan 19 - **T.D. 9943:** <u>KPMG report: Final regulations under section 163(j)</u>, limitation on deductions for <u>certain business interest expenses</u>

Jan 15 - **T.D. 9936:** <u>KPMG report: Final and proposed regulations, passive foreign investment company</u> (<u>PFIC</u>) rules

Jan 15 - T.D. 9944: KPMG report: Final regulations on carbon oxide sequestration credit

Jan 15 - **T.D. 9938:** <u>Final regulations released to Federal Register: Excise tax for excess remuneration and</u> <u>excess parachute payment</u>

Jan 14 - T.D. 9948: Final regulations released to Federal Register: Air transportation excise taxes

Jan 14 - T.D. 9946: Final regulations released to Federal Register: Denial of deductions for fines, penalties

Jan 14 - T.D. 9936: <u>Final and proposed regulations: Passive foreign investment company (PFIC) rules</u> (text of regulations)

Jan 13 - **T.D. 9943:** <u>Final regulations released to Federal Register: Limiting business interest expense</u> <u>deductions under section 163(j)</u>

Jan 13 - **T.D. 9945:** <u>Final regulations released to Federal Register: "Carried interest" provision under</u> <u>section 1061</u>

Jan 13 - **T.D. 9944:** <u>Final regulations released to Federal Register: Credit for carbon oxide sequestration</u> <u>under section 450</u>

Jan 13 - **T.D. 9949:** <u>Final regulations: Employer shared-responsibility provisions, health reimbursement</u> <u>arrangements (text of regulations)</u>

Jan 13 - **T.D. 9938:** <u>KPMG report: Final section 4960 regulations on excise tax for excess remuneration</u> and excess parachute payment for applicable tax-exempt organizations

Jan 12 - T.D. 9946: Final regulations: Denial of deductions for fines, penalties (text of regulations)

Jan 11 - T.D. 9948: Final regulations: Air transportation excise taxes (text of regulations)

Jan 11 - **T.D. 9938:** <u>Final regulations: Excise tax on excess compensation, parachute payments made by</u> <u>tax-exempt organizations (text of regulations)</u>

Jan 7 - **T.D. 9945:** <u>Final regulations on "carried interest" provision under section 1061 (text of regulations)</u>

Jan 6 - T.D. 9944: Final regulations: Credit for carbon oxide sequestration under section 45Q (text of regulations)

Jan 6 - **T.D. 9941**: <u>KPMG report: Final regulations on changes to income recognition rules; initial impressions</u>

Jan 5 - **T.D. 9943:** Final regulations on limiting business interest expense deductions under section 163(j) (text of regulations)

Jan 5 - T.D. 9937: Final regulations released to Federal Register: Rollover rules for qualified plan loan offset amounts

Proposed or Temporary Regulations

Dec 7 - <u>Proposed regulations: Beneficial ownership information reporting; possible real estate transaction</u> reporting

Dec 3 - **REG-109128-21:** <u>Proposed regulations: Health insurance coverage limited to testing, diagnosis</u> <u>not "minimum essential coverage" (COVID-19)</u>

Nov 22 - **REG-109128021:** <u>Proposed regulations: "Minimum essential coverage" regarding health</u> insurance (text of regulations)

Nov 17 - **REG-117575-21:** <u>Regulations: Information reporting about prescription drugs and health care</u> <u>spending by group health plans and health insurance issuers</u>

Sep 30 - Reg-107707-21: Regulations: Measures to address "surprise" medical billing

Sep 14 - <u>Proposed regulations: Changes to Form 5500 annual returns filed for employee pension plans</u> Sep 8 - **REG-109077-2:** <u>Regulations: Recapture of excess employment tax credits under the "American</u> <u>Rescue Plan Act" (COVID-19)</u>

Jul 21 - **REG-102951-16**: <u>Proposed regulations: Electronic-filing requirements for specific tax returns,</u> <u>other documents</u>

Jul 6 - Regulations: Implementing "no surprises" measures, medical and health-related bills

Apr 12 - **REG-121095-19:** <u>Proposed regulations: Requirements under section 1400Z-2 for foreign</u> persons, partnerships investing in qualified opportunity funds (text of regulations)

Jan 14 - **REG-111950-20:** <u>Final and proposed regulations: Passive foreign investment company (PFIC)</u> rules (text of regulations)

Jan 11 - **REG-115057-20**: <u>Proposed regulations: Mandatory 60-day postponement of tax deadlines</u>, <u>federally declared disasters</u>

Revenue Rulings

Dec 1 - Rev. Rul. 2021-20: Guidance concerning low-income housing tax credit

Nov 23 - **Rev. Rul. 2021-24:** Interest rates, tax underpayments and overpayments (no changes for first guarter 2022)

Oct 15 - Rev. Rul. 2021-19: Fringe benefit aircraft valuations, second half of 2021

Aug 25 - **Rev. Rul. 2021-17:** Interest rates, tax underpayments and overpayments (no changes for fourth guarter 2021)

Jul 1 - Rev. Rul. 2021-13: Credit for carbon oxide sequestration under section 45Q

Jun 11 - Rev. Rul. 2021-11: Fringe benefit aircraft valuations, first half of 2021

May 27 - **Rev. Rul. 2021-10:** Interest rates, tax underpayments and overpayments (no changes for third guarter 2021)

Mar 2 - Rev. Rul. 2021-6: Interest rates, tax underpayments and overpayments (second quarter 2021)

Jan 15 - Rev. Rul. 2021-3: Covered compensation tables for 2021 plan year

Jan 6 - Rev. Rul. 2021-2: Deduction of eligible expenses allowable, PPP loan forgiveness

Revenue Procedures

Dec 31 - IRS releases annual revenue procedures for 2022

Dec 28 - **Rev. Proc. 2022-11:** Indexing factor for use by group health plans and health insurance issuers in 2022

Dec 16 - Rev. Proc. 2022-9: Automatic consent to change methods of accounting (text of guidance)

Dec 13 - Rev. Proc. 2021-54: Insurance companies, unpaid loss discount factors for 2021 accident year

Dec 1 - Rev. Proc. 2021-43: Guidance concerning low-income housing tax credit

Nov 30 - **Rev. Proc. 2021-53:** Temporary modification to safe harbor for distributions by REITs and RICs (COVID-19)

Nov 18 - <u>**Rev. Procs. 2021-48, 2021-49, 2021-50:** Tax treatment of PPP loan forgiveness; partnership allocations and stock basis adjustments</u>

Nov 16 - KPMG report: Inflation adjustments for information return penalties (Rev. Proc. 2021-45)

Nov 10 - Rev. Proc. 2021-45: Inflation adjustments for 2022, individual taxpayers

Nov 8 - **Rev. Proc. 2021-47:** Federal tax treatment and information reporting of payments made on behalf of financially distressed homeowners (COVID-19)

Sep 28 - **Rev. Proc. 2021-32:** Updated list of countries, deposit interest paid to nonresident aliens (Chile, Dominican Republic, Singapore)

Sep 13 - **Rev. Proc. 2021-41:** Foreign insurance companies; effectively connected net investment income (2020)

Sep 1 - Rev. Proc. 2021-37, Rev. Proc. 2021-38: Pre-approved retirement plans

Aug 31 - Rev. Proc. 2021-39: Further extension of relief regarding tax-exempt bonds (COVID-19)

Aug 12 - **<u>Rev. Proc. 2021-35, Rev. Proc. 2021-34</u>**: Safe harbor method accounting, OID on pool of credit card receivables and related automatic consent

Aug 10 - <u>**Rev. Proc. 2021-33:**</u> Safe harbor for employers to exclude amounts for determining employee retention credit eligibility

Aug 6 - Rev. Proc. 2021-31: Automobile depreciation deduction limits for 2021

Jul 16 - Rev. Proc. 2021-30: Employee plans correction methods, updated

Jun 30 - Rev. Proc. 2021-14: Guidance on NOL elections and revocations, farming losses

Jun 17 - **Rev. Proc. 2021-28:** Real property trade or business, 30-year recovery under alternative depreciation system

Jun 17 - **Rev. Proc. 2021-29:** Process for partnerships applying for 30-year alternative depreciation recovery period for residential rental property

May 11 - Rev. Proc. 2021-26: CFCs changing methods of accounting to alternative depreciation system

May 10 - Rev. Proc. 2021-25: HSA inflation-adjusted amounts for 2022

Apr 26 - **<u>Rev. Proc. 2021-23:** Modified inflation adjustments, certain tax credits available for individual taxpayers</u>

Apr 23 - Rev. Proc. 2021-21: List of countries eligible for section 911(d)(1) waiver for 2020

Apr 22 - **<u>Rev. Proc. 2021-20:</u>** Safe harbor, expense deductions for taxpayers that received first-round PPP loans

Mar 26 - Rev. Proc. 2021-18: Empowerment zone designation extension procedures

Mar 25 - Rev. Proc. 2021-17 and Rev. Proc. 2021-19: Guidance under section 143 for issuers of qualified mortgage bonds

Feb 4 - <u>**Rev. Proc. 2021-15:**</u> Safe harbor, educators deducting out-of-pocket expenses for protective items (COVID-19)

Jan 14 - **Rev. Proc. 2021-12:** Extension of safe harbors; loan forbearance, mortgage loans, lease arrangements of certain trusts (COVID-19)

Jan 5 - **Rev. Proc. 2021-10:** Process for appealing adverse bond determinations, arbitrage rebate claim denials

Notices

Dec 21 - **Notice 2022-1:** Guidance for lenders and loan servicers regarding student loan forgiveness Dec 21 - **Notice 2022-4:** Self-insured health insurance annual fee Dec 17 - Notice 2022-3: Standard mileage rates for 2022

Dec 14 - Notice 2021-66: Excise taxes reimposed, list of "Superfund" taxable chemical substances

Dec 6 - Notice 2021-65: Termination of employee retention credit, guidance for fourth quarter 2021 (COVID-19)

Nov 30 - **Notice 2021-64:** Required amendments list (2021) for qualified retirement plans and 403(b) plans

Nov 16 - <u>Notice 2021-63:</u> Clarifying temporary 100% deduction for food or beverages from restaurants and per diem rates

Nov 12 - Notice 2021-35: Carbon oxide sequestration credit, inflation adjustment factor for 2021 under section 450

Nov 4 - Notice 2021-61: Pension plans, cost-of-living adjustments for 2022

Oct 12 - Notice 2021-57: Funding relief for multi-employer defined benefit pension plans pursuant to "American Rescue Plan Act of 2021"

Oct 12 - Notice 2021-59: Deferred applicability dates for foreign currency guidance under section 987

Oct 6 - Notice 2021-58: Application of certain extensions under COBRA (COVID-19)

Sep 24 - Notice 2021-55: Farmers, ranchers affected by drought allowed more time to replace livestock

Sep 7 - Notice 2021-53: Reporting qualified sick leave, qualified family leave wages (COVID-19)

Sep 3 - Notice 2021-52: Per diem rates, substantiation of employee lodging, meals, incidentals (2021-2022)

Aug 24 - <u>Notice 2021-51:</u> Revised applicability date, withholding and reporting regarding publicly traded partnership interests

Aug 10 - Notice 2021-43: Relief for certain employers claiming the Work Opportunity Tax Credit

Aug 6 - Notice 2021-47: Enhanced oil recovery credit for 2021

Aug 4 - **Notice 2021-49:** Guidance for employers claiming employee retention credit, for third and fourth guarters 2021

Aug 2 - Notice 2021-48: Guidance on single-employer defined benefit pension plan funding changes

Jul 26 - Notice 2021-46: Additional IRS guidance on premium assistance for COBRA benefits

Jul 9 - **Notice 2021-38:** PBGC special financial assistance for multiemployer defined benefit pension plans financially at risk

Jun 30 - **Notice 2021-39:** Transition relief, new Schedules K-2 and K-3 for enhance reporting of international tax matters by pass-through entities

Jun 30 - Notice 2021-42: Employer leave-based donation programs, extended for 2021 (COVID-19)

Jun 29 - Notice 2021-41: Continuity safe harbor is extended, renewable energy projects

Jun 24 - **Notice 2021-40:** One-year extension allowing retirement plan elections and spousal consents to be signed remotely (COVID-19)

Jun 10 - Notice 2021-36: Future amendments to regulations under sections 59A and 6038A for reporting gualified derivative payments

May 20 - KPMG report: IRS guidance on premium assistance for COBRA benefits (Notice 2021-31)

May 18 - Notice 2021-31: Premium assistance and tax credit for COBRA continuation of health coverage (O&As)

May 10 - Notice 2021-26: Treatment of dependent care assistance programs clarified for 2021 and 2022 (COVID-19)

Apr 14 - Notice 2021-28: Recommendations for IRS 2021-2022 Priority Guidance Plan

Apr 13 - Notice 2021-24: Penalty relief, reduced federal employment tax deposits in anticipation of tax credits (COVID-19)

Apr 8 - Notice 2021-25: Temporary 100% deduction for certain business meal expenses

Apr 6 - <u>KPMG report</u>: **Notice 2021-23** and employee retention credit for first two calendar quarters of 2021

Apr 2 - Notice 2021-23: Employee retention credit, for first two quarters of 2021

Mar 29 - Notice 2021-21: Additional tax deadlines extended to May 17

Mar 1 - Notice 2021-20: FAQs on employee retention credit, and Paycheck Protection Program loans (COVID-19)

Feb 26 - Notice 2021-18: Housing expense limit adjustments, foreign locations for 2021

Feb 18 - Notice 2021-15: Relief for health FSAs and dependent care assistance programs under "cafeteria plans" (COVID-19)

Jan 20 - Notice 2021-10: Additional relief for qualified opportunity zones and investors (COVID-19)

Jan 20 - <u>Notice 2021-13:</u> Penalty relief for partnerships, information reporting of partners' beginning capital account balances for 2020

Jan 19 - Notice 2021-6: Information returns and payee statements waived regarding PPP, other relief programs (COVID-19)

Jan 19 - Notice 2021-8: Relief from addition to tax, underpayment of individuals' estimated income tax (COVID-19)

Jan 19 - Notice 2021-11: Employee payroll tax deferral, further postponed (COVID-19)

Jan 15 - Notice 2021-12: Extended temporary relief, low-income housing credit under section 42 (COVID-19)

Jan 4 - Notice 2021-7: Temporary relief to value personal use of employer-provided automobile (COVID-19)

Jan 1 - Notice 2021-5: Extended continuity safe harbor, renewable energy projects offshore or on federal land

Announcements

Jun 7 - <u>Announcement 2021-11:</u> Competent authorities add individual savings plans as eligible for dividend benefits under United States-Switzerland tax treaty

May 14 - <u>Announcement 2021-10:</u> Qualified opportunity zone boundaries not affected by 2020 census Mar 30 - <u>Announcement 2021-6:</u> APMA program, APA statistics for 2020

Mar 26 - Announcement 2021-7: Personal protective equipment deductible as medical care expense (COVID-19)

Feb 1 - Announcement 2021-2: Lenders to correct Forms 1099-MISC if previously reported loan payments as income

IRS Practice Units

Dec 14 - IRS releases five practice units, covering topics including BEAT and foreign tax credit

Nov 3 - IRS practice unit: Expense allocation and apportionment in calculation of foreign tax credit limitation

Oct 27 - <u>IRS practice units: U.S. trade or business, permanent establishment; nonresident employee</u> education expenses

- Oct 4 IRS practice unit: Examining a reseller's section 263A computation
- Sep 16 IRS practice units: Section 263A costs for self-constructed assets; limitation of exchange gain or loss
- Sep 1 IRS practice unit: Foreign tax credit (business) general principles

Aug 24 - IRS practice units: Transfers of property to partnerships; accuracy-related penalty and reportable transactions

- Aug 4 IRS practice unit: Penalty for failure to include reportable transaction information
- Jul 28 IRS practice unit: Overview of section 987 and branch operations in a foreign currency
- Jul 9 IRS practice units: FDII and computing qualified research expenses
- Jul 2 IRS practice unit: Foreign tax redeterminations
- Jun 30 IRS practice unit: Allocation methods of personal use of aircraft
- Jun 18 IRS practice unit: Concepts of GILTI
- Jun 11 IRS practice unit: Partner's outside basis
- May 24 IRS practice unit: Allocation and apportionment of deductions, individual taxpayers
- Apr 6 IRS practice unit: Foreign tax credit carryback and carryover
- Apr 2 IRS practice units: Liquidating distributions of partner's interest; reasonable cause and good faith
- Mar 29 IRS practice unit: Receipt of dividends or interest from a related CFC
- Mar 23 IRS practice unit: Overview of section 965 "transition tax"
- Mar 16 IRS practice unit: Sale of a partnership interest
- Feb 25 IRS practice unit: Section 263A computation for producers
- Feb 15 IRS practice unit: Interest capitalization for self-constructed assets
- Feb 9 IRS practice unit: Last in-first out (LIFO) records
- Jan 5 IRS practice unit: Qualified dividends and capital gains rate differential adjustments

LB&I Directives

- Oct 18 LB&I video-conferencing for large business taxpayers
- Jun 10 IRS adds a new compliance campaign (LB&I division)
- Feb 1- IRS adds two compliance campaigns (LB&I division)

Other (including FAQs)

Dec 30 - U.S. Treasury release: Countries cooperating with international boycott; no changes

Dec 28 - IRS provides tax relief for taxpayers affected by storms in Alabama

Dec 28 - IRS provides tax relief for taxpayers affected by tornadoes in Arkansas

Dec 23 - <u>TTB guidance: Tax-free withdrawal of distilled spirits for hand sanitizers ends December 31,</u> 2021 (COVID-19)

Dec 22 - IRS extends Hurricane Ida tax relief to taxpayers in six states to February 15, 2022

Dec 20 - IRS provides tax relief for taxpayers affected by tornadoes in Illinois and Tennessee

Dec 17 - <u>PLR: Payments for use of storage terminal facilities and pipelines qualify under REIT income</u> tests

Dec 15 - TTB guidance: Updated FAQs regarding craft beverage modernization and tax reform

Dec 14 - IRS provides tax relief for taxpayers affected by tornadoes in Kentucky

Dec 13 - FBAR filings: Deadline extended once again—to April 15, 2023—for certain individuals with signature authority

Dec 10 - TTB reminder: Due date for tax returns, payments for alcohol industry annual filers

Nov 18 - Tier 2 tax rates for railroads, no changes for 2022

Nov 17 - IRS expands tax relief to all taxpayers in Mississippi affected by Hurricane Ida

Nov 15 - IRS extends tax relief for taxpayers affected by California wildfires

Nov 4 - Treasury to allocate \$5 billion in New Markets Tax Credit (NMTC) authority for 2021

Nov 3 - IRS releases FAQs as reporting guidance for "carried interests"

Nov 3 - <u>PLR: Prior IRS guidance for public utilities regarding proper application of excess deferred income</u> tax normalization consistency rules validated

Nov 3 - IRS filing, payment relief for taxpayers affected by Hurricane Ida (Connecticut)

Oct 27 - IRS expands tax relief, certain taxpayers in Mississippi affected by Hurricane Ida

Oct 22 - <u>IRS guidance (FAQs) for employers seeking to rehire retirees or retain employees after</u> retirement age (COVID-19)

Oct 15 - IRS clarifies FAQs may offer reasonable cause for penalty protection, but are not precedential

Oct 15 - <u>IRS sets forth required information for valid research credit claim for refund (Chief Counsel legal</u> advice memo)

Oct 7 - U.S. Treasury release: No change to list of countries cooperating with international boycott

Oct 6 - FBAR filing deadline relief for persons affected by certain natural disasters

Sep 22 - <u>IRS webpage: Resource and information about refunds subject to review by Joint Committee on</u> <u>Taxation</u>

Sep 20 - <u>PLRs: IRS acceptance of non-traditional real property (such as fiber optic cable) for REIT income tests</u>

Sep 15 - IRS extends dyed diesel fuel penalty relief in Louisiana, response to hurricanes

Sep 14 - Tax relief for taxpayers in Pennsylvania affected by Hurricane Ida

Sep 13 - IRS provides tax relief for taxpayers in North Carolina affected by Tropical Storm Fred

Sep 10 - IRS Priority Guidance Plan for 2021-2022

Sep 10 - <u>IRS reminder: Cost of home testing is eligible medical expense; reimbursable under FSAs, HSAs</u> (COVID-19)

Sep 10 - Tax relief for taxpayers in Mississippi affected by Hurricane Ida

Sep 8 - IRS provides tax relief for taxpayers affected by Hurricane Ida (New York and New Jersey)

- Sep 3 Penalty for failure to deposit taxes under CARES Act (Chief Counsel legal advice memo)
- Sep 1 Treasury awards \$5 billion in New Markets Tax Credit (NMTC) allocations
- Sep 1 IRS to waive dyed fuel penalty in Louisiana; hurricane-related relief
- Aug 31 IRS provides tax relief for taxpayers in Louisiana affected by Hurricane Ida
- Aug 27 IRS provides tax relief for taxpayers affected by August 2021 storms in Tennessee
- Aug 27 Tax relief for taxpayers in California affected by wildfires
- Aug 23 IRS opens application period for 2022 Compliance Assurance Process (CAP) program

Aug 6 - IRS reminder: Plans retroactively adopted after the end of the plan year have no 2020 Form 5500 filing requirement

Aug 3 - <u>Updated FAQs concerning PPP loans, SBA discontinues</u> "loan necessity questionnaire"

Jul 29 - <u>IRS updates FAQs on paid leave credits available for employers; leave provided to employees</u> with regard to vaccinations (COVID-19)

Jul 28 - Interim final rule: PPP loan forgiveness process, appeals deferment (COVID-19)

Jul 26 - IRS revises system for filing information returns electronically

Jul 22 - U.S. list of countries cooperating with international boycott; no change

Jul 21 - IRS provides tax relief for taxpayers affected by June 2021 storms in Michigan

Jul 16 - <u>Section 482 adjustments for cost-sharing agreements with reverse claw-back provisions (Chief</u> <u>Counsel legal advice memo)</u>

Jul 6 - IRS provides FAQs on tax treatment of Treasury grants for transportation service companies (COVID-19)

Jun 24 - CDC extends temporary eviction moratorium through July 2021 (COVID-19)

Jun 24 - IRS releases tax collection data for fiscal year 2020

Jun 23 - TTB guidance: Extended tax-free withdrawal of distilled spirits for hand sanitizers (COVID-19)

Jun 21 - <u>Request for information, reporting of pharmacy benefits and prescription drug costs by group</u> <u>health plans and health insurance</u>

Jun 11 - <u>IRS provides FAQs provide guidance for individuals, SMEs under "American Rescue Plan"</u> (COVID-19)

Jun 10 - IRS provides tax relief for taxpayers affected by May 2021 storms in Louisiana

Jun 1 - IRS provides tax relief for taxpayers affected by February 2021 storms in West Virginia

May 20 - Treasury's report on proposed tax compliance measures; addressing the "tax gap"

May 20 - Treasury officials participate in OECD meetings, proposal for global corporate minimum tax rate

- May 17 Regulations implementing funding to support state and local governments (COVID-19)
- May 14 IRS provides tax relief for taxpayers affected by March 2021 storms in Tennessee
- May 13 <u>IRS offers dyed diesel fuel penalty relief in certain states, response to disruptions to fuel-supply chain</u>
- May 7 Oil and gas, percentage depletion on marginal properties for 2021, reference price for 2020
- May 6 IRS updates FAQs on relief for retirement plans, IRAs (COVID-19)

Apr 30 - <u>Schedules K-2 and K-3 for 2021; intended for enhanced reporting of international tax matters by</u> pass-through entities

Apr 30 - <u>IRS Chief Counsel memo: Treatment of expenses related to aircraft owned and used by sole</u> <u>proprietor</u>

Apr 29 - IRS provides tax relief for taxpayers affected by March 2021 storms in Alabama

- Apr 29 IRS provides tax relief for taxpayers affected by February 2021 storms in Kentucky
- Apr 28 Treasury proposals for tax administration reforms
- Apr 26 Renewable electricity, refined coal production inflation factors, reference prices for 2021
- Apr 26 Section 45K: Nonconventional source production credit, reference price for 2020

Apr 21 - <u>Tax credits for certain employers providing paid leave to employees receiving COVID-19</u> <u>vaccines</u>

Apr 19 - <u>IRS allows temporary relief from handwritten signature requirement for more tax forms (COVID-19)</u>

Apr 9 - <u>AOD 2021-1: IRS nonacquiescence, defined benefit pension plan not an asset for insolvency</u> exclusion under section 108

Apr 9 - IRS reminder: FBAR filing deadline remains April 15

Apr 9 - IRS suspends requirement to repay excess advance payments of 2020 premium tax credit

Apr 7 - Updated FAQs about PPP loans

Apr 7 - U.S. Treasury removes UAE from list of countries cooperating with international boycott

- Apr 7 OECD: Report on status of international tax agenda, developments
- Apr 7 <u>U.S. Treasury releases report "Made in America Tax Plan"</u>
- Apr 1 Advance notice of proposed rulemaking: Beneficial ownership information reporting requirements
- Mar 31 IRS to recalculate taxes on 2020 unemployment benefits, and automatically to issue refunds
- Mar 30 <u>IRS guidance for students, higher education institutions on reporting emergency financial aid</u> (COVID-19)

Mar 25 - SBA notice for applications, "Shuttered Venue Operators Grant" awards for 2021

- Mar 22 SBA to accept "Shuttered Venue Operators Grant" applications beginning April 8, 2021
- Mar 18 SBA interim final rule concerning PPP loans, reflecting Rescue Act measures
- Mar 17 IRS to extend tax filing deadline to May 17
- Mar 17 Updated FAQs on PPP loans
- Mar 11 IRS provides tax relief for taxpayers affected by winter storms in Louisiana
- Mar 3 Updated FAQs on PPP loans; guidance on second draw PPP loans
- Feb 25 IRS focus on improper refund claims relating to domestic production activities deduction
- Feb 25 IRS provides tax relief for taxpayers affected by winter storms in Oklahoma
- Feb 22 IRS provides relief for taxpayers affected by winter storms in Texas
- Feb 19 IRS announces waiver of dyed fuel penalty in Texas

Feb 18 - <u>IRS allows fax transmission of Form 8023 for section 338 elections by corporations making</u> <u>gualified stock purchases (COVID-19)</u>

- Feb 8 New IRS form for self-employed individuals to claim sick and family leave tax credits (COVID-19)
- Feb 1 Updated FAQs on PPP loans; guidance about "second draw" PPP loans
- Jan 29 <u>IRS provides recordkeeping relief; increased deduction limits for corporate cash contributions for</u> <u>disaster relief</u>

Jan 29 - TTB reminder, federal excise tax return filing dates for 2021

- Jan 28 <u>IRS guidance (updated FAQs), tax credits for small and midsize employers providing paid leave</u> (COVID-19)
- Jan 25 IRS establishes contact-free signature options for power of attorney, authorization forms
- Jan 19 PLR: REIT's distributive share of management fee income disregarded under gross income tests
- Jan 8 TTB release: Craft beverage measures effective January 2021
- Jan 5 IRS releases annual revenue procedures for 2021

Judicial

Supreme Court

Jun 17 - *California v. Texas:* U.S. Supreme Court: Implications for protective refund claims for ACA-related taxes and fees

May 17 - *CIC Services, LLC v. IRS:* U.S. Supreme Court: Anti-Injunction Act does not bar suit challenging IRS notice requiring information reporting

Circuit Court

Jun 2 - *Mazzei v. Commissioner:* <u>Ninth Circuit: FSC used to transfer funds from family business into</u> <u>Roth IRAs (Tax Court reversed)</u>

Jun 2 - *MoneyGram International, Inc. v. Commissioner:* <u>Fifth Circuit: Taxpayer not a "bank" and thus</u> <u>not allowed to deduct certain losses</u>

Apr 22 - **Patients Mutual Assistance Collective Corp. v. Commissioner:** Ninth Circuit: Marijuana dispensary's claimed expenses properly denied

Aug 25 - *Schneider National Leasing, Inc. v. United States:* <u>Seventh Circuit: Safe harbor relief from</u> <u>federal excise tax, refurbished heavy truck tractors</u>

Jun 11 - *TriNet Group, Inc. v. United States:* <u>AOD 2021-3: Nonacquiescence to Eleventh Circuit</u> decision, professional employer organization's claims for FICA credits

Dec 14 - United Airlines, Inc. v. TSA: D.C. Circuit: Airline's claims for refunds of ticket-related security fees from TSA

Dec 1 - United States v. Bittner: Fifth Circuit: Penalty for FBAR violation applies on per-account basis, not on per-form basis

Mar 24 - **United States v. Boyd:** <u>Ninth Circuit: One penalty (not multiple) applies for untimely filing of</u> <u>FBAR reporting multiple bank accounts</u>

Dec 7 - Whirlpool Financial Corp. v. Commissioner: <u>Sixth Circuit: U.S. taxpayer realized subpart F</u> income on sales of appliances manufactured in Mexico

District Court

Jan 8 – *Trafigura Trading LLC v. United States:* <u>Section 4611(b) excise tax on domestic crude oil</u> <u>exports violates Export Clause (federal district court)</u>

Tax Court

Jan 21 – *Adams Challenge (UK) Ltd. V. Commissioner:* U.S. Tax Court: Deductions and credits disallowed, foreign corporation did not file tax returns until after notice of deficiency

Feb 24 – **Anikeev v. Commissioner:** U.S. Tax Court: Credit card "reward dollars" held taxable income Mar 1 – **Beland v. Commissioner:** U.S. Tax Court: First formal communication of "initial determination" asserting civil fraud penalty lacked prior supervisory approval

Mar 15 – *Caylor Land & Development, Inc. v. Commissioner:* <u>KPMG report: Tax Court holds</u> <u>microcaptive insurance company arrangement fails; accuracy-related penalties warranted</u> Apr 12 – **De Los Santos v. Commissioner:** U.S. Tax Court: Split-dollar arrangement distributions; benefits under compensatory arrangement taxable as ordinary income

May 3 – *Estate of Jackson v. Commissioner:* U.S. Tax Court: Valuation of performer's image and likeness, music publishing trust and catalog

Jan 25 – *Grajales v. Commissioner:* U.S. Tax Court: Early distribution 10% extraction is a tax, not a penalty requiring written supervisory approval

Mar 22 – *Little Sandy Coal Company, Inc. v. Commissioner:* <u>KPMG report: Implications of "Little Sandy" opinion on research credit claims</u>

Feb 11 – *Little Sandy Coal Company, Inc. v. Commissioner:* U.S. Tax Court: Research tax credit disallowed

Mar 29 – *Max v. Commissioner:* U.S. Tax Court: Clothing designs and patterns not eligible research expenses

Nov 18 – *McNulty v. Commissioner:* U.S. Tax Court: IRA's investment in coins, followed by taxpayer taking physical possession of the coins, held a taxable distribution

Apr 27 – *Mylan, Inc. v. Commissioner:* U.S. Tax Court: Legal expenses for FDA approvals capitalized, but those for defending patent infringement suits are deductible

Nov 23 – **Sand Investment Co., LLC v. Commissioner:** U.S. Tax Court: Determining "immediate supervisor" for approving penalty when revenue agent has two different supervisors

Apr 9 – *Schieber v. Commissioner:* <u>AOD 2021-1:</u> IRS nonacquiescence, defined benefit pension plan not an asset for insolvency exclusion under section 108

Aug 16 – *Toulouse v. Commissioner:* U.S. Tax Court: Treaty provisions do not allow foreign tax credit offset against net investment income tax

Other

Dec 1 - **Director of Revenue v. Verisign, Inc.:** Delaware: NOL limitation policy not supported by statute (court decision)

Sep 30 - *Washington Bankers Association v. Department of Revenue:* <u>Washington State: High court</u> <u>upholds B&O tax surcharge on banks</u>

Treaties / Puerto Rico

Nov 1 - Puerto Rico: New consolidated form for monthly reporting of sales and use tax and tax on imports

Aug 3 - <u>Competent authority arrangements on derivative benefits under United States-United Kingdom</u> income tax treaty

- Jun 18 Puerto Rico: "Back to school" sales and use tax exemption
- Jun 14 Updated FAQs concerning PPP loans, nonprofits in Puerto Rico
- Jun 7 Puerto Rico: Reduced sales and use tax for prepared foods involving marketplace facilitators
- Apr 5 Puerto Rico: Extended due dates for income tax returns, payments (COVID-19)

KPMG Reports

Dec 31 - KPMG report: Outline of measures in IBOR final regulations Dec 22 - KPMG report: Initial analysis of Pillar Two model rules for global minimum tax under OECD/G20 Inclusive Framework Dec 22 - KPMG report: R&E changes from TCJA effective for tax years beginning after December 31, 2021 Dec 20 - KPMG report: State identification numbers for Forms 1099-MISC and 1099-NEC Dec 20 - KPMG report: Survey of 2021 insurance tax developments Dec 3 - KPMG report: Financial statement and potential U.S. GAAP implications of tax proposals in "Build Back Better Act" Nov 19 - House passes "Build Back Better Act" with tax measures (KPMG report) Nov 16 - KPMG report: Inflation adjustments for information return penalties (Rev. Proc. 2021-45) Nov 11 - KPMG report: "Build Back Better Act" tax proposals in pending House bill Oct 20 - KPMG report: Year-end tax considerations for cryptocurrency investors Oct 19 - KPMG report: Proposed reinstatement of Superfund taxes; three excise taxes for petroleum and chemicals industries, but double the rates Oct 9 - KPMG report: OECD/G20 Inclusive Framework agreement on BEPS 2.0 Sep 17 - KPMG report: Senate Finance Chairman Wyden discussion draft to reform taxation of passthrough entities Sep 16 - KPMG report: Tax proposals for budget reconciliation legislation approved by Ways and Means Sep 14 - KPMG report: Ways and Means tax proposals relating to infrastructure, energy, housing, retirement, and social safety net Sep 8 - KPMG report: Like-kind exchange relief for taxpayers affected by Hurricane Ida Aug 25 - KPMG report: IRS extends certification deadline for certain employers claiming work opportunity tax credit Aug 24 - KPMG report: Employee retention credit—additional guidance ties up many loose ends Aug 16 - KPMG report: Tax provisions for banking industry in Biden Administration's FY 2022 budget proposals Aug 9 - KPMG report: Second set of corrective amendments to gualified opportunity fund regulations Jul 28 - KPMG report: Employers helping employees-disaster relief Jul 2 - KPMG report: OECD/G20 Inclusive Framework agreement on BEPS 2.0 Jul 1 - KPMG report: Healthcare-related tax provisions in Biden Administration's FY 2022 budget proposals Jun 28 - KPMG report: Inbound tax provisions in Biden Administration's FY 2022 budget proposals Jun 28 - KPMG report: Tax provisions for asset management industry in Biden Administration's FY 2022 budget proposals Jun 18 - KPMG report: Energy and natural resources, tax provisions in the Biden Administration's FY 2022 budget proposals Jun 18 - KPMG report: Insurance tax provisions in the Biden Administration's FY 2022 budget proposals Jun 16 - KPMG report: Tax provisions that may affect individual taxpayers in the Biden Administration's FY 2022 budget proposals

- Jun 14 KPMG report: Permanent establishment-related considerations, employees working remotely
- Jun 14 KPMG report: Planning in advance for Biden Administration's proposed increased tax rates
- Jun 14 KPMG report: Treasury releases the American Families Plan tax compliance agenda
- Jun 4 KPMG report: Biden Administration's tax plan and implications for real estate industry
- Jun 1 KPMG report: Accounting considerations for the UK "super-deduction"
- May 31 <u>KPMG report: Analysis and observations of tax proposals in Biden Administration's FY 2022</u> budget
- May 28 KPMG report: Initial impressions of tax proposals in Biden Administration's budget for FY 2022
- May 20 KPMG report: IRS guidance on premium assistance for COBRA benefits (Notice 2021-31)
- May 20 KPMG report: Tax reform proposals—BEAT down, SHIELD up
- May 11 KPMG report: Overview of R&D tax incentives, by country (2021)
- May 3 KPMG report: Accounting for income taxes considerations of adopting ASU 2020-06
- May 3 KPMG report: Outlook for what's ahead for energy tax incentives (updated)
- Apr 6 <u>KPMG report: Notice 2021-23 and employee retention credit for first two calendar quarters of 2021</u>
- Mar 15 KPMG report: Employer's role in Rescue Act COBRA subsidies and tax credits
- Mar 15 <u>KPMG report: Tax Court holds microcaptive insurance company arrangement fails; accuracy-related penalties warranted</u>
- Mar 5 <u>KPMG report: Notice 2021-20 provides much anticipated guidance regarding the employee</u> retention credit for 2020
- Feb 26 KPMG report: Outlook for what's ahead for energy tax incentives
- Feb 2 KPMG report: Biden Administration and the 117th Congress; possible tax legislation
- Feb 1 KPMG report: Employer-provided student loan repayments, tax-free benefits
- Feb 1 <u>KPMG report: Like-kind exchange regulations reflect requested changes, retain incidental</u> <u>property rule</u>

Jan 25 - <u>KPMG report: Review of compensation and benefits-related tax provisions in Consolidated</u> <u>Appropriations Act, 2021</u>

- Jan 19 KPMG report: Full deduction for business meals provided by a restaurant
- Jan 19 <u>KPMG report: Final regulations under section 163(j)</u>, limitation on deductions for certain business interest expenses
- Jan 15 KPMG report: Final and proposed regulations, passive foreign investment company (PFIC) rules
- Jan 15 KPMG report: Final regulations on carbon oxide sequestration credit
- Jan 13 <u>KPMG report: Final section 4960 regulations on excise tax for excess remuneration and excess</u> parachute payment for applicable tax-exempt organizations
- Jan 6 KPMG report: Tax policy implications of possible Democratic Senate
- Jan 6 KPMG report: Final regulations on changes to income recognition rules; initial impressions



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