Ver. 4 問題集

# for the USCPA Exam

# USCPA

# Fedral Taxation (TAX) Vol.1

FAR
Financial Accounting & Reporting

BEC
Business Environment & Concepts

**REG**
**Regulation**

AUD
Auditing & Attestation


TAC

**U.S.CPA COURSES**
**Federal Taxation (TAX)**
問題集１の中身

1 厳選 MC460 問題集

Becker Online と同様
正答率（累積）90%以上
を目指そう！

# 厳選MC460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？を考えてみることが、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）

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

**1. CPA-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?

a. Internal Revenue Code.
b. IRS regulations.
c. Tax court decisions.
d. 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?

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

**3. CPA-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?

a. $0
b. $200
c. $500
d. $16,500

**4. CPA-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. CPA-04751 Released 2005 □□ C**

A CPA's adjusted gross income (AGI) for the preceding 12-month tax year exceeds $150,000. Which of the following methods is (are) available to the CPA to compute the required annual payment of estimated tax for the current year in order to make timely estimated tax payments and avoid the underpayment of estimated tax penalty?

I. The annualization method.
II. The seasonal method.

a. I only.
b. II only.
c. Both I and II.
d. Neither I nor II.

**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.

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 2011**（p.113～）⇒ **Q2**
**Released 2020**（p.165～）⇒ **Q3**

# 3. Filing Status

## 問題編（計5問）

**7. CPA-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. CPA-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. CPA-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.

直近10年分の AICPA リリース MC 問題のうち
**PARTI 第3章**に対応する問題は以下となる。

**Released 2015**（p.134～）⇒ **Q9**
**Released 2018**（p.153～）⇒ **Q7**
**Released 2019**（p.158～）⇒ **Q9**
**Released 2020**（p.165～）⇒ **Q11**

# 4. Dependency Requirements

## 問題編（計6問）

**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?

a. Zero
b. One
c. Two
d. 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?

a. Zero
b. One
c. Two
d. Three

**14. CPA-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?

a. Zero
b. One
c. Two
d. 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?

a. Amy and David
b. Amy
c. David
d. 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.

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

**Released 2016**（p.141～）⇒ **Q9**
**Released 2017**（p.147～）⇒ **Q23**

# 5. Gross Income - Inclusions

## 問題編（計34問）

**18. CPA-01840 May 95 #15 □□ A**
A cash basis taxpayer should report gross income:

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

**19. CPA-04856 □□ A**
Merrill and Joe's divorce was finalized in June of 2018. As part of the settlement, Joe received the following:

| | | |
|---|---|---|
| Alimony | $ | 3,000 per month |
| Child support | $ | 1,000 per month |
| Lump-sum payment as the property settlement | $ | 125,000 |

Payments began in July; however, Merrill only paid a total of $15,000 during the year. For the current year, what amount must Joe include in income on his Form 1040?

a. $9,000
b. $15,000
c. $134,000
d. $140,000

**20. CPA-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 |
| <u>Self-Employment Activity</u> | |
| 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?

a. $106,000
b. $116,000
c. $128,500
d. $131,500

**21. CPA-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?

a. $3,050
b. $3,300
c. $3,800
d. $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?

a. $0
b. $75,000
c. $100,000
d. $125,000

**23. CPA-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?

a. $0
b. $500
c. $(500)
d. $(1,500)

**24. CPA-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*?

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

**25. CPA-01433 ARE R02 #7 □□ 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?

I. Payments must be in cash or its equivalent.
II. The payments must end at the recipient's death.

a. I only.
b. II only.
c. Both I and II.
d. Neither I nor II.

**26. CPA-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?

a. Research.
b. Warehousing costs.
c. Quality control.
d. Taxes excluding income taxes.

**27. CPA-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. Becker Example □□ A**

What are the treatment options for a net operating loss occurring in tax years after December 31, 2020?

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. CPA-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. CPA-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. CPA-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. CPA-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. CPA-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. CPA-01620 PII Nov 93 #24 □□ A**

John and Mary were divorced in 2017. The divorce decree (executed 6/30/17) 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. CPA-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. CPA-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. CPA-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. CPA-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. CPA-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. CPA-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. CPA-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. CPA-01884 Nov 95 #11 □□ 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. CPA-05969 Released 2008 □□ B**

Chris, age five, has $3,000 of interest income and no earned income this year. Assuming the current applicable standard deduction is $1,100, how much of Chris' income will be taxed at his parent's marginal rate?

a. $0
b. $800
c. $1,900
d. $3,000

**46. CPA-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. CPA-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

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

**Released 2011**（p.113～）⇒ **Q15**
**Released 2012**（p.118～）⇒ **Q1**
**Released 2013**（p.123～）⇒ **Q2, 12**
**Released 2014**（p.129～）⇒ **Q2**
**Released 2015**（p.134～）⇒ **Q8, 14, 20, 26**
**Released 2016**（p.141～）⇒ **Q13, 22**
**Released 2017**（p.147～）⇒ **Q21**
**Released 2018**（p.153～）⇒ **Q5, 16**
**Released 2019**（p.158～）⇒ **Q7, 25, 26**
**Released 2020**（p.165～）⇒ **Q24, 27**

# 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〇か×という記録になりがちですが、正誤の記録を〇、△、×という 3 つに分けて記録することをお勧めします。

正解（回答に自信があって、結果も合っていた問題）→〇

たまたま正解（回答に自信がなくて、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）→×

| MC Number | 1st Challenge | 2nd Challenge | Notes |
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# PART I：INDIVIDUAL INCOME TAXATION

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

## 解答編

**1. CPA-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）<br>※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

※「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。

**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 | **PARTI 第1章** |

納税者が年度の途中に死亡した場合も、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. CPA-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 | **PARTI 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、PARTI 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. CPA-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 | **PARTI 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. CPA-04751**

**Choice "a" is correct.** In computing the amount of estimated payments due, an individual taxpayer may choose between the annualized method (90% of current year's tax), or the prior year method (100% of last year's tax) unless the taxpayer's AGI exceeds $150,000 then they must use 110% of last year's tax. Therefore, the taxpayer in this example can use the annualized method. The seasonal method is not permitted.

【ポイント解説】

| 出題トピック | **Estimated Tax Payment** |
|---|---|
| 対応する章 | **PARTI 第2章** |

前問の解説を参照のこと。annualized income method＝**annualization method** ともいう。
なお、試験対策上、seasonal method が正解となることはないだろう。そのためテキストでは解説していない。

**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 | **PARTI 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. CPA-01404**

**Choice "d" is correct.** The requirements that enable a taxpayer to be classified as a "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 | **PARTI 第3章** |

※次の問題の日本語解説も参照のこと。
Qualifying 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 **W**idow(er) ＝ **W**hole year
**H**ead of Household ＝ **H**alf year

**∴選択肢"d"：Neither I nor II** が正解となる。

**8. CPA-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 | **PARTI 第3章** |

Qualifying 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. CPA-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 | **PARTI 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 | **PARTI 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ヵ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. 米国市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 widow 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 | **PARTI 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Surviving spouse / 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 "SUPORT" 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SUPORT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 | **PARTI 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 PARTI 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 PARTI 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、PARTI 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 | **PARTI 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、PARTI 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 を用いてはいない。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. CPA-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 | **PARTI 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 | **PARTI 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が問われている。

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 | **PARTI 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 $4,300 (2020), 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 $4,300 (2020), 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 | **PARTI 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"**：交換留学生が正解となる。

＜参考＞ 交換留学生は、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✐ 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. CPA-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 | **PARTI 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. CPA-04856**
**Choice "a" is correct.** Alimony (received pursuant to a divorce agreement executed on or before 12/31/18) is an item of gross income; child support is not. Alimony paid according to a divorce agreement executed after 12/31/18 is neither taxable to the recipient nor deductible by the payor (Tax Cuts and Jobs Act of 2017). Because this divorce was finalized in 2012, the alimony is included in gross income. Joe was to receive $3,000 per month in alimony for the remaining six months of the year (July – December), 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 | **PARTI 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 (Jul～Dec) | $3,000×6ヵ月 ＝ | ~~$18,000~~ | → $ 9,000 |
| Child support (Jul～Dec) | $1,000×6ヵ月 ＝ | $ 6,000 | |
| | | ~~$24,000~~ | → $ 15,000 |

**20. CPA-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 | **PARTI 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、売上ー売上原価ー事業経費＝「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：**売上ー売上原価ー事業経費（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：**売上ー売上原価ー事業経費＝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. CPA-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 | **PARTI 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 | **PARTI 第5章**<br>**PARTIV 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. CPA-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 | **PARTI 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. CPA-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 | **PARTI 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. CPA-01433**

**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 12/31/18.

【ポイント解説】

| | |
|---|---|
| 出題トピック | **Payment Pursuant to Divorce** |
| 対応する章 | **PARTI 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. CPA-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 | **PARTI 第5章** |

| Capitalized as Inventory | Period Expense |
|---|---|
| ・ Direct materials | ・ SGA |
| ・ Direct labor | ・**R&D∴選択肢"a"** |
| ・ Factory overhead | ・ Marketing |
| | ・ Advertising |

**27. CPA-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 | **PARTI 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. Beker Example**

**Choice "c" is correct.** Net operating losses arising in tax years ending after 12/31/2020 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 | **PARTI 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. CPA-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 | **PARTI 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. CPA-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 | **PARTI 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. CPA-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 | **PARTI 第5章** |

報酬を現物（property）で受領した場合、受領時における **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. CPA-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 | **PARTI 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 | **$ 15,100** |

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 | **PARTI 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. CPA-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 | **PARTI 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められ課税対象となる。

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＝計**$45,000**。

**35. CPA-01620**

**Choice "b" is correct.** Alimony paid pursuant to a divorce or separation agreement executed before 12/31/18 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 12/31/18, 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 | **PARTI 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 ($10,000×20%) 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. CPA-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 | **PARTI 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. CPA-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 | PARTI 第5章<br>PARTI 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. CPA-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 | PARTI 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. CPA-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.

| | | |
|---|---|---|
| **B**eginning A/R | $ 25,000 | |
| **A**dd - Sales | 90,000 | 発生主義のTaxable income |
| | 115,000 | |
| **S**ubtract - Cash collections | **(100,000)** | 現金主義のTaxable income |
| **E**nding 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 | PARTI 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. CPA-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 | 2,000 |
| Gross income | **$ 43,400** |

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**<br>**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. CPA-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 | **PARTI 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. CPA-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 | **PARTI 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. CPA-01884**

**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 **<u>$26 million</u>** (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 | **PARTI 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2,600万ドル（**$26 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. CPA-05969**

**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 $1,100 (2020) plus an additional $1,100 (which is taxed at the child's tax rate). Chris's net unearned income taxed at his parent's rate is $800 [$3,000 – ($1,100＋$1,100)].

Choice "a" is incorrect. The $0 indicates that nothing is taxed at the parents' rates. Taxing net unearned income at the parent's rate is the whole idea of the "kiddie tax."

Choice "c" is incorrect. The $1,900 uses only the $1,100 standard deduction, but the next $1,100 would be taxed at the child's rate.

Choice "d" is incorrect. The $3,000 indicates that the entire $3,000 interest income is taxed at the parents' 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 | **PARTI 第5章**<br>**PARTI 第10章** |

2020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$2,200（＝扶養家族のstandard deduction $1,100＋$1,100）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 (<u>net</u> unearned income)** とは、子供の不労所得から$2,200を差し引いた金額をいう。

本問では、利子所得$3,000－$2,200＝**$800**に対して子供の申告書上、親の限界税率が適用される。

**46. CPA-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 | **PARTI 第5章**<br>**PARTI 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. CPA-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 | **PARTI 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"**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 | **PARTI 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＝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 | **PARTI 第5章** |

税法上、Alimony として扱われるための要件の１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 | **PARTI 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）があった場合には、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**<br>**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
＝**<u>$140,000</u>**

**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
＝**<u>$27,000</u>**

※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）。
※「事業上の純支払利息 (net 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2,600万ドル（**$26 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。

**Federal Taxation– Vol.1 問題集**

2021 年 4 月 3 日　初版初刷発行

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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

落丁・乱丁本はお取り替えいたします。

Ver. 4 問題集

for the USCPA Exam

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Fedral Taxation
(TAX) Vol.1

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090-2228-1007-18