Index

A

ABSORPTION

Net operating losses, 10:1 to 10:3

One group into another group, continuity of affiliated group, 5:1

ACCELERATED COST RECOVERY SYSTEM

Consolidated computations, separate taxable income computations, **7:3**

ACCELERATION RULE

Intercompany transactions

generally, 13:32 to 13:38

for detailed treatment see index heading INTERCOMPANY TRANSACTIONS

ACCOUNTING

Methods, consolidated computations, **7:3 to 7:6**Period or periods, tax planning, comparison with separate returns, **2:9**

ACCOUNTS

Excess loss accounts. See index heading excess loss ACCOUNTS

Investment. See index heading INVESTMENT

ACCRUAL OF INTEREST

Intercompany transactions, 15:2, 15:4

ACCUMULATED

Earnings tax, 22:2

Taxable income, consolidated computations, 7:1

ACQUISITION OR ACQUISITIONS

Built-in losses and deductions, 11:1 to 11:3

Continuity of affiliated group, 5:2, 5:3

Net operating losses, 10:1, 10:3, 10:5, 10:7, 10:9, 31:41, 31:42

Reverse acquisitions. See index heading REVERSE ACQUISITIONS

Section 336(e) elections, 21:6

Section 338 elections, 21:1 to 21:5

Tax planning. See index heading TAX PLANNING

ACRS

See index heading ACCELERATED COST RECOVERY SYSTEM

ADDITIONAL TAX

Consolidated computations, consolidated tax liability, **7:1**

History of consolidated returns, 3:3 to 3:6

ADD-ON MINIMUM TAX

Corporate alternative minimum tax, 22:1

ADJUSTMENT OR ADJUSTMENTS

Basis. See index heading BASIS

Charitable contribution deduction, adjusted consolidated taxable income, **8:1**

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Earnings and profits. See index heading Earnings AND PROFITS

Estimated tax overpayment, 26:1

Foreign tax credit, consolidated computations, 17:1

Inventory adjustments. See index heading INVENTORY ADJUSTMENTS

Investment. See index heading investment

Negative basis and adjustments. See index heading NEGATIVE BASIS AND ADJUSTMENTS

Net operating losses. See index heading NET OPERATING LOSSES

Tax planning. See index heading TAX PLANNING

ADMINISTRATION

See index heading TAX PLANNING

ADMINISTRATIVE PROCEDURE ACT

Role of regulations, validity of regulations, 6:2

ADMINISTRATIVE RULES

Generally, 27:1 to 27:4

Agent for subsidiaries, parent as, 27:2

Applications, parent as agent for subsidiaries, 27:2

Bona fide shareholders of record, examination of returns by, 27:1

Carrybacks, parent as agent for subsidiaries, **27:2** Elections

generally, 27:4

parent as agent for subsidiaries, 27:2

Examination of returns by bona fide shareholders of record, 27:1

Form 851, affiliation schedule, 27:1

Form 1120, consolidated tax return, 27:1

ADMINISTRATIVE RULES—Cont'd

Form 1122, consent to inclusion in consolidated return, 27:1

Forms, 27:1

Insolvency, parent as agent for subsidiaries, 27:2 Notice

parent as agent for subsidiaries, 27:2 statute of limitations, 27:3

Petitions, parent as agent for subsidiaries, 27:2

Railroad Retirement Tax Act, 27:1

Refunds, parent as agent for subsidiaries, 27:2

Requests, parent as agent for subsidiaries, 27:2

Returns, 27:1

Reverse acquisitions, parent as agent for subsidiaries, 27:2

Separate information returns, 27:1

Statute of limitations, 27:3

Tax Court proceedings, parent as agent for subsidiaries, 27:2

Termination, parent as agent for subsidiaries, 27:2 Waiver of statute of limitations, 27:3

ADVERSE EFFECT

Continued consolidated filing requirement, permission to shift to separate returns, **25:2**, **25:3**

AFFILIATED GROUP

Generally, 4:1 to 4:10

Agricultural producers cooperatives, 4:2

Associations taxable as corporations, 4:1

Bankruptcy, 4:8

Built-in losses and deductions, 11:1 to 11:3

Burden of proof

business purpose existence, 4:9

direct ownership, dual tests for affiliation, 4:8

Business purpose, 4:9

Canada, corporations organized in contiguous countries, **4:1**, **4:3**

Casualty insurance companies, 4:2

C corporations, 4:2

Chains of includible corporations, **4:1**

China Trade Act corporations, **4:2**

Common parent corporation, 4:1

Common stock, voting power test for affiliation, **4:6**

Consolidated computations, 7:1 to 7:7

Contiguous countries, corporations organized in, **4:1, 4:3**

Continuity of consolidated group. See index heading CONTINUITY OF CONSOLIDATED GROUP

Convertible preferred stock, dual tests for affiliation, **4:7**

Cooperative housing corporations, 4:1

AFFILIATED GROUP—Cont'd

Deconsolidation, affiliated status, 4:4

Definitions

affiliated group, 4:1

includible corporation, 4:2

Direct ownership, dual tests for affiliation, 4:8

Domestic international sales corporations (DISCs),

4:2

Dual resident corporations, 4:3

Dual tests for affiliation, 4:5 to 4:8

Elections, 4:2, 4:3

Employee stock ownership plan, dual tests for affiliation, **4:6**

Estoppel, affiliated status, 4:4

Evidence

burden of proof, above

existence of affiliation, 4:4

Exemptions, includible corporations, **4:2**

Exercise of stock options, dual tests for affiliation, 4:7

Farmers' cooperatives, 4:2

Foreign corporations, 4:1, 4:2

Foreign insurance companies, 4:2

Former domestic international sales corporations (DISCs), **4:2**

General business credit, consolidated computation, 16:1

History of consolidated returns, 3:1 to 3:9

Hook stock, 4:10

Includible corporations, 4:1 to 4:3

Investment companies, 4:2

Life insurance companies, 4:1, 4:2, 4:4

Mexico, corporations organized in contiguous countries, **4:1**, **4:3**

Model tax returns. See index heading MODEL TAX RETURNS

Mutual insurance companies, 4:2

Nonvoting stock, dual tests for affiliation, 4:6, 4:7

Ownership of stock, generally, 4:1

Postaffiliation losses, business purpose, 4:9

Preferred stock, dual tests for affiliation, 4:6, 4:7

Proof. Evidence, above

Publicly traded partnerships, includible corporations, **4:2**

Purpose, business, 4:9

Qualified subchapter S subsidiary (QSSS), 4:2, 4:3

Question of fact, existence of affiliation, 4:4

Real estate investment trusts, 4:2

Revenue Act of 1917, affiliated status, 4:4

Revenue Act of 1918, affiliated status, 4:4

Revenue Act of 1939, 4:1

AFFILIATED GROUP—Cont'd

S corporations, 4:2 to 4:4

Second Revenue Act of 1940, 4:1

Small Business Job Protection Act of 1996, S corporations, **4:2**

Status, affiliated, 4:4

Stock options, dual tests for affiliation, 4:7

Subgroups, 4:1

Subsequent years, affiliated status, 4:4

Tax Equity and Fiscal Responsibility Act of 1982, affiliated status, **4:4**

Tax exempt corporations, 4:2

Tax planning, 2:1 to 2:29

Tax Reform Act of 1969, 4:2

Tax Reform Act of 1984, 4:5, 4:6

Tax Reform Act of 1986, 4:2, 4:3, 4:5

Termination of group

continuity of affiliated group, 5:1, 5:2

tax planning, consequences for subsequent years, 2:29

Tests for affiliation, 4:5 to 4:8

Trusts

real estate investment trusts, 4:2

taxable as corporations, 4:1

Unincorporated associations, 4:1, 4:2

United States possessions corporations, 4:2

Value test, dual tests for affiliation, 4:5 to 4:7

Virgin Islands Organic Act, United States possessions corporations, **4:2**

Voting power, dual tests for affiliation, **4:5**, **4:6**, **4:8** Waiting period, consolidation after deconsolidation,

Waiver of waiting period, consolidation after deconsolidation, **4:4**

AGENT PARENT

Administrative rules, 27:2

Continuity of affiliated group, reverse acquisitions, 5:3

Net operating losses, tentative carryback adjustments, 10:6

AGGREGATE OR AGGREGATION

Deductions. See index heading DEDUCTIONS

Foreign tax credit. See index heading foreign tax CREDIT

General business credit, consolidated computation, 16:1

Net capital gains and losses, 9:1

Net operating losses, separate return limitation years, 10:3

Section 338 elections, modified aggregate deemed sale price formula, **21:2**

AGGREGATE OR AGGREGATION—Cont'd

Section 1231 net gain or loss, 9:2

Stock ownership

consolidated computations, themes of single entity and multiple entities, 7:4

dividends received deduction, 8:2

foreign tax credit, consolidated computations, 17:1

tax planning, comparison with separate returns, 2:17

AGREEMENTS

Intercompany agreements, consolidated tax liability, **7:1**

Leases. See index heading Leases and Leasing activities

AGRICULTURAL PRODUCERS COOPERATIVES

Affiliated group, **4:2**

ALASKAN NATIVE CORPORATIONS

Alternative minimum tax, 22:1

History of consolidated returns, 3:8

ALLOCATION

Earnings and profits. See index heading EARNINGS AND PROFITS

Foreign tax credit. See index heading FOREIGN TAX

Intercompany transactions, 13:12

Investment adjustments. See index heading investment

Minimum tax credit, 22:1

Net operating losses, carrybacks and carryforwards to separate return years, **10:5**

Tax or tax liability. See index heading Allocation of TAX OR TAX LIABILITY

ALLOCATION OF TAX OR TAX LIABILITY

Estimated tax, 26:2

History of consolidated returns, 3:6, 3:7

Life insurance companies, 22:4

Tax planning. See index heading TAX PLANNING

ALTERNATIVE MINIMUM TAX

Generally, 22:1

Consolidated computations, consolidated tax liability, **7:1**

Corporate alternative minimum tax

generally, 22:1

for detailed treatment see index heading MINIMUM TAX

Earnings and profits, adjusted current earnings, 22:1

ALTERNATIVE MINIMUM TAX—Cont'd

Estimated tax, 26:2

Tax planning. See index heading TAX PLANNING

ALTERNATIVES

Exercise of consolidated return privilege. See index heading exercise of consolidated return privilege

Minimum taxable income. 22:1

Tax. See index heading ALTERNATIVE TAX

Tax planning, 2:1

ALTERNATIVE TAX

Consolidated computations, consolidated tax liability, **7:1**

Minimum tax. See index heading ALTERNATIVE MINI-MUM TAX

Mutual savings banks' separate life insurance businesses, 22:5

Net capital gains and losses, 9:1

AMENDMENT

See index heading Change or Changes

AMORTIZATION

Built-in losses and deductions, 11:2

AMOUNT

Intercompany transactions, 14:5

AMT

Generally, 22:1

For detailed treatment see index heading ALTERNA-TIVE MINIMUM TAX

ANCs

See index heading ALASKAN NATIVE CORPORATIONS

ANTI-ABUSE RULES

Unified loss rule, Regulation section 1.1502-36(g), **19:35**

ANTI-AVOIDANCE RULES

Consolidated returns, 23:17

Earnings and profits, 20:18

Intercompany transactions

generally, 13:46 to 13:52

for detailed treatment see index heading INTERCOMPANY TRANSACTIONS

Investment adjustments, 18:15

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:3

ANTI-DUPLICATION RULE

Section 382 limitation. See index heading Section 382

APPLICATION OR APPLICABILITY

Investment. See index heading INVESTMENT
Net operating losses. Sections 382 and 384. **10:4**

Net operating losses, Sections 382 and 384, **10:4**, **10:7**

Role of regulations. See index heading ROLE OF REGULATIONS

Tax planning, reverse acquisition rules, 2:12

APPLICATIONS

Administrative rules, parent as agent for subsidiaries, 27:2

Estimated tax, adjustment of overpayment, **26:1** Exercise of consolidated return privilege, extension of time for filing return, **24:1**

APPORTIONMENT

Foreign tax credit, expenses, 17:1

General business credit. See index heading GENERAL BUSINESS CREDIT

Net operating losses, 10:1, 10:4

ARCHITECTURAL BARRIER REMOVAL

Tax planning, limitations on deductions, 2:8

ASSETS

Built-in losses and deductions, 11:1 to 11:3

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Continuity of affiliated group, **5:2**, **5:3**

Decline in value of assets. See index heading DECLINE IN VALUE OF ASSETS

Net operating losses, 10:1, 10:3, 10:7

Section 336(e) elections, 21:6

Section 338 elections, **21:1 to 21:5**

Tax planning. See index heading TAX PLANNING

ASSOCIATIONS

Building and loan associations, special taxes and taxpayers, 22:5

Taxable as corporations, affiliated group, **4:1**Unincorporated associations, affiliated group, **4:1**, **4:2**

AT-RISK RULES

Tax planning, treatment of losses, 2:3

ATTRIBUTEE

Intercompany transactions, 13:8

ATTRIBUTION

Consolidated computations, themes of single entity and multiple entities, **7:4**

AUTOMATIC EXTENSION OF TIME

Filing return, exercise of consolidated return privilege, **24:1**

AVOIDANCE

Anti-avoidance. See index heading ANTI-AVOIDANCE Excess loss accounts, avoiding recognition, **18:19**

B

BACKGROUND

See index heading HISTORY

BAD DEBT DEDUCTIONS

Built-in losses and deductions, **11:2, 11:3** Financial institutions, **22:5** Net operating losses, special status losses, **10:1**

1 & 1

BAD DEBTS

Deductions. See index heading BAD DEBT DEDUCTIONS

BANKRUPTCY

For related material see index heading insolvency Affiliated group, **4:8**

Bankruptcy Tax Act of 1980. See index heading BANKRUPTCY TAX ACT OF 1980

Exercise of consolidated return privilege, consent to regulations, 24:1

BANKRUPTCY TAX ACT OF 1980

History of consolidated returns, **3:8** Personal holding company tax, **22:3**

BANKS

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Continued consolidated filing requirement, blanket permission to shift to separate returns, **25:2**, **25:3**

Mutual savings banks. See index heading MUTUAL SAVINGS BANKS

Net operating losses, special status losses, **10:1** Personal holding company tax, **22:3** Special taxes and taxpayers, generally, **22:5**

BASE EROSION ANTI-ABUSE TAX (BEAT) Generally, 7:7, 15:13, 22:11

BASIS

Adjustment or adjustments to basis circular basis adjustments. See index heading CIRCULAR BASIS ADJUSTMENTS

continuity of affiliated group, when group remains in existence, **5:2**

earnings and profits. See index heading Earnings and Profits

increase in basis. See index heading increase in $_{\mbox{\scriptsize BASIS}}$

investment. See index heading INVESTMENT

BASIS—Cont'd

Adjustment or adjustments to basis—Cont'd reduction in basis. See index heading REDUCTION IN BASIS

Section 338 elections, assets of purchased subsidiary, **21:1**

tax planning. See index heading TAX PLANNING unified loss rule. See index heading UNIFIED LOSS RULE

Built-in losses and deductions, 11:1, 11:2

Circular basis adjustments. See index heading CIRCULAR BASIS ADJUSTMENTS

Consolidated computations, separate taxable income computations, 7:3

Continuity of affiliated group, 5:1 to 5:3

Earnings and profits. See index heading Earnings AND PROFITS

Estimated tax, consolidated basis, 26:1, 26:2

Group structure changes, stock basis following group structure change regulations, **18:27**

Increase in basis. See index heading INCREASE IN BASIS

Intercompany transactions. See index heading INTERCOMPANY TRANSACTIONS

Investment. See index heading INVESTMENT

Negative basis, excess loss accounts, **18:18**, **18:22 to 18:25**

Reduction in basis. See index heading ${\tt REDUCTION\ IN}$ ${\tt BASIS}$

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:14

Section 338 elections, 21:1, 21:4

Tax planning. See index heading TAX PLANNING

BLANKET PERMISSION

Continued consolidated filing requirement, shift to separate returns, **25:2**, **25:3**

BONA FIDE SHAREHOLDERS OF RECORD

Administrative rules, examination of returns, 27:1

BOOT

Intercompany transactions, 14:8

B's ITEMS

Intercompany transactions, 13:34

BUILDING AND LOAN ASSOCIATIONS

Special taxes and taxpayers, generally, 22:5

BUILT-IN

Deductions

generally, 11:1 to 11:3

BUILT-IN—Cont'd

Deductions—Cont'd

for detailed treatment see index heading BUILT-IN LOSSES AND DEDUCTIONS

Gains. See index heading BUILT-IN GAINS

Losses

generally, 11:1 to 11:3

for detailed treatment see index heading BUILT-IN LOSSES AND DEDUCTIONS

BUILT-IN GAINS

Intercompany transactions, 13:25 Net operating losses, 10:4, 10:7 Section 382 limitation, 12:9, 12:22

BUILT-IN LOSSES AND DEDUCTIONS

Generally, **11:1 to 11:4**

Affiliated groups, 11:1 to 11:3

Background, 11:1

Bad debts, 11:2, 11:3

Business purpose, 11:1

Cash, 11:1, 11:2

Continuity of affiliated group, consequences from terminating group, **5:1**

Damage claims, 11:1

Deferred compensation, 11:2

Definitions

built-in deduction, 11:2

built-in loss, 11:1

marketable securities, 11:2

De minimis exception, 11:2

Exceptions to 1966-1996 rule, 11:2

Goodwill, 11:1, 11:2

Intent, inquiry into, 11:2

Inventory losses, 11:2

Limitations, generally, 11:1 to 11:3

Loss trafficking, 11:4

Marketable securities, 11:1, 11:2

Net operating losses, 10:4, 10:7, 11:1

1966-1996 rule, 11:2

1997 rule, 11:1

Offsetting income, 11:1 to 11:3

Operation of the limitations, 11:1

Overlap Rule, 11:1

Pre-1966 rule, 11:3

Rehabilitation of corporation, 11:1, 11:2

Reverse acquisitions, 11:2

Section 382 limitation, 12:9, 12:22

Section 384, 11:4

Separate return limitation years (SRLYs), 11:1

Surtax exemptions, 11:2

Unaccrued expenses, 11:1

BUMP-AND-STRIP

Intercompany transactions, 13:26

BURDEN OF PROOF

See index heading AFFILIATED GROUP

BUSINESS

Affiliated group, business purpose, 4:9

General business credit

generally, 16:1, 16:2

for detailed treatment see index heading GENERAL BUSINESS CREDIT

Interest expense, disallowed, 13:31

Mutual savings banks, separate life insurance businesses, 7:1, 22:5

Unrelated business taxable income, 22:6

 \mathbf{C}

CANADA

Affiliated group, corporations organized in contiguous countries, **4:1, 4:3**

Section 338 elections, Canadian corporations, 21:1

CANCELLATION OF INDEBTEDNESS INCOME

Circular basis adjustments, excluded COD income, 18:38

Investment adjustment rules for excluded COD income, 28:22

CAPITAL

Earnings and profits. See index heading EARNINGS AND PROFITS

Gains and losses. See index heading CAPITAL GAINS AND LOSSES

CAPITAL GAINS AND LOSSES

Aggregation, net capital gains and losses, 9:1

Alternative tax, net capital gains and losses, 9:1

Carrybacks, net capital losses, 9:1, 9:3, 9:4

Carryovers, net capital losses, 9:1, 9:3, 9:4

Change of ownership, net capital losses, 9:3

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Foreign expropriations, net capital losses, 9:3

Limitations, net capital gains and losses, 9:1, 9:3

Net capital gains and losses, 7:2, 9:1, 9:3, 9:4

Ownership change, net capital losses, 9:3

Preferred stock dividends, net capital losses, 9:1

Regulations, net capital gains and losses, 9:1, 9:3,

Tax planning, comparison with separate returns, 2:3 Tax Reform Act of 1969, net capital losses, 9:3

CAPITALIZED SERVICES

Intercompany transactions, 13:23

CARRYBACKS

Administrative rules, parent as agent for subsidiaries, 27:2

Continuity of affiliated group, reverse acquisitions, 5:3

Foreign tax credit, 17:2

General business credit, unused credits, 16:2

Net capital losses, 9:1, 9:3, 9:4

Net operating losses

generally, 10:1 to 10:3, 10:5, 10:6

for detailed treatment see index heading NET OPERATING LOSSES

Section 338 elections, 21:1

Tax planning, treatment of losses, 2:3

CARRYFORWARDS

See index heading CARRYOVERS

CARRYOVERS

Continuity of affiliated group, consequences from terminating group, **5:1**

Deductions. See index heading DEDUCTIONS

Excess loss accounts, carryover of ELA for certain carryover basis transactions, 18:22

Foreign tax credit, 17:2

General business credit, unused credits, 16:2

History of consolidated returns, 3:8

Life insurance companies, 22:4

Minimum tax credit, 22:1

Net capital losses, 9:1, 9:3, 9:4

Net operating losses

generally, 10:1 to 10:5, 10:7 to 10:9

for detailed treatment see index heading NET OPERATING LOSSES

Personal holding company tax, 22:3

Section 338 elections, 21:1, 21:4

Tax planning. See index heading TAX PLANNING

CASE STUDIES

Generally, 31:1 to 31:42

Allocation of consolidated tax liability for earnings and profits purposes. See index heading EARN-INGS AND PROFITS

Carryback of consolidated net operating losses, 31:24 to 31:30, 31:39 to 31:42

Computation of earnings and profits. See index heading EARNINGS AND PROFITS

Personal holding companies. See index heading Personal holding companies

Reverse acquisitions. See index heading REVERSE ACQUISITIONS

CASH

Built-in losses and deductions, 11:1, 11:2

Consolidated computations, method of accounting, 7:5

CASH MERGERS

Intercompany transactions, 14:15

CASUALTY INSURANCE COMPANIES

Affiliated group, 4:2

Consolidated computations, consolidated tax liability, **7:1**

Special taxes and taxpayers, generally, 22:4

C CORPORATIONS

Affiliated group, 4:2

Closely held C corporations. See index heading CLOSELY HELD C CORPORATIONS

Continuity of affiliated group, when group remains in existence, **5:2**

CHAINS

Circular basis adjustments, dispositions of chains, 18:34

Includible corporations, affiliated group, 4:1

CHANGE OR CHANGES

Consolidated computations, accounting methods, 7:3, 7:5

Group structure. See index heading GROUP STRUCTURE CHANGES

Intercompany transactions, regulations governing, 15:1

Investment adjustments. See index heading INVEST-

Ownership. See index heading ownership

Section 338 elections, modified aggregate deemed sale price formula, **21:2**

CHARITABLE CONTRIBUTION DEDUCTION

Generally, 8:1

Adjusted consolidated taxable income, 8:1

Carryovers, 8:1

Consolidated computations, 7:2, 7:3

Excess contributions, 8:1

Limitations, 2:8, 8:1

Regulations, 8:1

Tax planning, limitations, 2:8

CHECK-THE-BOX REGULATIONS

Limited liability companies, planning opportunities using, 29:1, 29:7, 29:8, 29:20

CHINA TRADE ACT CORPORATIONS

Affiliated group, 4:2

History of consolidated returns, 3:5, 3:8

CIRCULAR BASIS ADJUSTMENTS

Generally, 18:32 to 18:39

Brother-sister subsidiaries, sale of, 18:37

Dispositions of chains, 18:34

Excluded COD income, 18:38

Offset of other income, limitation not applicable to, 18:35

Proposed circular basis regulations, 18:39

Purpose, 18:32

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:16, 28:25 to 28:27

Sales

brother-sister subsidiaries, **18:37** loss, subsidiary stock sold at a loss, **18:36** Solution to circular basis adjustments, **18:33**

CLASS A AFFILIATION

History of consolidated returns, 3:1

CLASS B AFFILIATION

History of consolidated returns, 3:1, 3:3

CLASSIFICATION

Tax planning, personal holding company classification, 2:18

CLOSELY HELD C CORPORATIONS

Consolidated computations, consolidated taxable income, 7:2

History of consolidated returns, 3:8

Net operating losses, separate return limitation years, 10:3

Tax planning, intercompany dividends, 2:4

COAL

Consolidated computations, themes of single entity and multiple entities, **7:4**

COMMON PARENT

Affiliated group, 4:1

Consolidated returns, 23:4

COMMON STOCK

Affiliated group, voting power test for affiliation, **4:6**

COMPENSATION RELATED COSTS

Consolidated returns, 23:8

COMPULSORY CONSOLIDATED RETURNS

History of consolidated returns, 3:1

COMPUTATIONS

Consolidated computations generally, **1:1, 7:1 to 7:7**

Index-8

COMPUTATIONS—Cont'd

Consolidated computations—Cont'd for detailed treatment see index heading CONSOLIDATED COMPUTATIONS

Earnings and profits. See index heading EARNINGS AND PROFITS

Estimated tax. See index heading estimated tax

Net operating losses. See index heading NET OPERATING LOSSES

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, **28:26**

CONFLICT OR ALLOCATION OF ATTRIBUTES

Intercompany transactions, 13:12

CONSENT OR PERMISSION

Blanket permission. See index heading BLANKET PERMISSION

Consolidated computations, change of accounting method, 7:5

Continued consolidated filing requirement, shift to separate returns, **25:1** to **25:3**

Form 1122 (consent), 24:1, 24:2, 27:1

History of consolidated returns, 3:5

Regulations. See index heading REGULATIONS

Reverse acquisitions, authorization and consent of subsidiary to be included in consolidated return, 31:22

CONSISTENT OR CONSISTENCY

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Section 338 elections, **21:1**, **21:4**

Tax planning. See index heading TAX PLANNING

CONSOLIDATED CHARITABLE CONTRIBUTION DEDUCTION

Computing consolidated net operation loss, 10:1

CONSOLIDATED COMPUTATIONS

Generally, 1:1, 7:1 to 7:7

Accelerated cost recovery system, separate taxable income computations, **7:3**

Accounting methods, 7:3 to 7:6

Accumulated earnings tax, 22:2

Accumulated taxable income, consolidated tax liability, **7:1**

Additional tax, consolidated tax liability, 7:1

Adjustments

accounting methods, 7:5

current earnings, alternative minimum tax, **22:1** foreign tax credit, **17:1**

CONSOLIDATED COMPUTATIONS—Cont'd

Adjustments—Cont'd	Deductions—Cont'd
inventory adjustments, separate taxable income	charitable contribution deduction, 7:2, 7:3
computations, 7:3	consolidated taxable income, 7:2
Affiliated group, 7:1 to 7:7	dividends received deduction, 7:2, 7:3
Aggregation of stock ownership, themes of single	limitations on deductions, 7:2 to 7:4, 7:7
entity and multiple entities, 7:4	separate taxable income computations, 7:3
Alternative minimum tax, consolidated tax liability,	themes of single entity and multiple entities, 7:4
7:1	Deficiencies, consolidated tax liability, 7:1
Alternative tax, consolidated tax liability, 7:1	Depreciable property, separate taxable income
Assets	computations, 7:3
separate taxable income computations, 7:3	Dividends
themes of single entity and multiple entities, 7:4	deduction for dividends received, 7:2, 7:3
Attribution, themes of single entity and multiple	preferred stock dividends, 7:2, 7:3
entities, 7:4	themes of single entity and multiple entities, 7:4
Banks	Elections
interest expense of joint stock land bank, separate	accounting methods, 7:5
taxable income, 7:2	taxpayer elections, 7:6
mutual savings banks' separate life insurance	themes of single entity and multiple entities, 7:4
businesses, consolidated tax liability, 7:1	Employee profit-sharing plans, themes of single
themes of single entity and multiple entities, 7:4	entity and multiple entities, 7:4
Basis, separate taxable income computations, 7:3	Employee stock ownership plan, themes of single
Capital gains and losses	entity and multiple entities, 7:4
consolidated taxable income, net capital gains,	Environmental tax, consolidated tax liability, 7:1
7:2	Estimated tax rules, consolidated tax liability, 7:1
net capital gains and losses, 7:2 , 9:1 , 9:3 , 9:4	Fire insurance companies, consolidated tax liability,
separate taxable income computations, 7:3	7:1
Cash method of accounting, 7:5	Foreign tax credit, 7:1, 17:1
Casualty insurance companies, consolidated tax	Fraud, consolidated tax liability, 7:1
liability, 7:1	· · · · · · · · · · · · · · · · · · ·
Changes in accounting methods, 7:3, 7:5	Gas and oil, themes of single entity and multiple entities, 7:4
Charitable contribution deduction, 7:2 , 7:3	
Closely held C corporations, consolidated taxable	General business credit, 16:1, 16:2
income, 7:2	Graduated corporate tax, consolidated tax liability,
Coal, themes of single entity and multiple entities,	7:1
7:4	Intercompany
Consistent or consistency	agreements, consolidated tax liability, 7:1
accounting methods, 7:5	transactions. Intercompany transactions, below
taxpayer elections, 7:6	Intercompany transactions
Consolidated taxable income, 7:2	accounting methods, 7:5
Consolidated tax liability, 7:1	foreign tax credit, 17:1
Controlled group of corporations, consolidated tax	general business credit, 16:1
liability, 7:1	separate taxable income computations, 7:3
Cooperative housing corporations, themes of single	themes of single entity and multiple entities, 7:4
entity and multiple entities, 7:4	Interest expense of joint stock land bank, separate
Credits	taxable income, 7:2
consolidated taxable income, 7:2	Inventory adjustments, separate taxable income
consolidated tax liability, 7:1	computations, 7:3
foreign tax credit, 7:1, 17:1	Investment credit, consolidated tax liability, 7:1
general business credit, 16:1, 16:2	Involuntary conversion, themes of single entity and
Deductions	multiple entities, 7:4
generally, 8:1 to 8:4	Leasing activities, consolidated taxable income, 7:2
5	6 ····· · · · · · · · · · · · · · · · ·
	T 1 0

CONSOLIDATED COMPUTATIONS—Cont'd

CONSOLIDATED COMPUTATIONS—Cont'd

Life insurance companies, consolidated tax liability, 7:1

Limitations on deductions, 7:2 to 7:4, 7:7

Liquidations, themes of single entity and multiple entities. 7:4

Losses

capital gains and losses, above net gains or losses, below

passive activity losses, consolidated taxable income, **7:2**

Methods of accounting, 7:3 to 7:6

Minimum tax, 7:1, 22:1

Multiple entities, themes of, 7:4

Mutual savings banks' separate life insurance businesses, consolidated tax liability, **7:1**

Net gains or losses

generally, 7:2 to 7:4

capital gains and losses, 7:2, 9:1, 9:3, 9:4

operating losses

generally, 7:2 to 7:4

for detailed treatment see index heading NET OPERATING LOSSES

Section 1231 net gain or loss, 9:2

988 hedging transactions, themes of single entity and multiple entities, **7:4**

1966 regulations, 7:4, 7:5

Normal corporate tax, consolidated tax liability, **7:1** Oil and gas, themes of single entity and multiple entities. **7:4**

Ownership of stock, themes of single entity and multiple entities, **7:4**

Passive activity losses and credits, consolidated taxable income, **7:2**

Penalty for fraud, consolidated tax liability, 7:1 Permission, change of accounting method, 7:5

Personal holding company tax, consolidated tax liability, **7:1**

Personal service corporations

accounting methods, 7:5

consolidated taxable income, 7:2

consolidated tax liability, 7:1

Pre-1966 regulations, consolidated tax liability, 7:1

Preferred stock dividends, 7:2, 7:3

Public utilities

consolidated taxable income, 7:2

separate taxable income computations, 7:3

Real estate investment trusts, themes of single entity and multiple entities, **7:4**

Regulations, 7:1 to 7:7

Replacement of property, themes of single entity and multiple entities, **7:4**

CONSOLIDATED COMPUTATIONS—Cont'd

Restoration of amounts held under claim of right, themes of single entity and multiple entities, 7:4

Revenue Act of 1964, consolidated tax liability, **7:1** Revenue Act of 1969, themes of single entity and multiple entities, **7:4**

Revenue Act of 1987, themes of single entity and multiple entities, **7:4**

Section 1231 net gain or loss, 9:2

Separate taxable income computations, 7:2, 7:3

Several liability of members, consolidated tax liability, 7:1

Single entity theme, 7:4, 7:5

Spinoffs, themes of single entity and multiple entities. 7:4

Surtax, consolidated tax liability, 7:1

Taxable income

consolidated taxable income, 7:2

separate taxable income computations, 7:2, 7:3

Taxpayer elections, 7:6

Tax Reform Act of 1984, 7:4, 7:5

Tax Reform Act of 1986, 7:2, 7:4, 7:5

Themes of single entity and multiple entities, **7:4**, **7:5**

Timber, themes of single entity and multiple entities. 7:4

CONSOLIDATED DEDUCTIONS

Generally, **8:1 to 8:4**

For detailed treatment see index heading DEDUCTIONS

CONSOLIDATED DIVIDENDS RECEIVED DEDUCTION

Computing consolidated net operation loss, 10:1

CONSOLIDATED FOREIGN TAX CREDIT

Generally, 17:1 to 17:3

For detailed treatment see index heading FOREIGN TAX CREDIT

CONSOLIDATED GENERAL BUSINESS CREDIT

Generally, 16:1, 16:2

For detailed treatment see index heading GENERAL BUSINESS CREDIT

CONSOLIDATED NET CAPITAL GAIN

Computing consolidated net operation loss, 10:1

CONSOLIDATED NET OPERATING LOSSES

Generally, 10:1, 10:2

For detailed treatment see index heading NET OPERAT-ING LOSSES

CONSOLIDATED RETURN YEARS

Net operating losses, 10:1 to 10:6

CONSOLIDATED SECTION 1231 NET LOSS

Computing consolidated net operation loss, 10:1

CONSOLIDATED SURTAX NET INCOME

History of consolidated returns, 3:5

CONSOLIDATED TAX

Generally, 1:1

Allocation of tax or tax liability. See index heading ALLOCATION OF TAX OR TAX LIABILITY

Consolidated computations, liability, 7:1

Estimated tax. See index heading ESTIMATED TAX

Foreign tax credit, liability, **17:1**

General business credit, liability, 16:1

CONSOLIDATED TAXABLE INCOME

Generally, 1:1

Alternative minimum taxable income, 22:1

Consolidated computations, 7:2

Foreign tax credit, 17:1

Net operating losses, separate return limitation years, 10:3

CONSTRUCTIVE LIQUIDATION

History of consolidated returns, 3:8

CONSTRUCTIVE TRANSACTIONS

Section 338 elections, 21:1 to 21:5

CONTIGUOUS FOREIGN COUNTRIES

Affiliated group, organization of corporations, **4:1**,

Canada. See index heading CANADA

Mexico. See index heading MEXICO

CONTINGENT PURCHASE PRICE

Section 338 elections, 21:1

CONTINUATION OF GROUP

Consolidated returns, 23:3

CONTINUED CONSOLIDATED FILING REQUIREMENT

Generally, 25:1 to 25:3

Adverse effect, permission to shift to separate returns, 25:2, 25:3

Banks, blanket permission to shift to separate returns, 25:2, 25:3

Blanket permission to shift to separate returns, 25:2, 25:3

Continuity of affiliated group, consequences from terminating group, **5:1**

Discontinuance of consolidated filing, 25:2, 25:3

CONTINUED CONSOLIDATED FILING REQUIREMENT—Cont'd

Discretionary matters, permission to shift to separate returns, 25:2, 25:3

Election to discontinue consolidated filing, **25:2**, **25:3**

Exercise

discretion, blanket permission to shift to separate returns, 25:3

privilege of filing consolidated returns, 25:1

Limitations on right to shift to separate returns, **25:1**

Penalties, 25:1

Permission to shift to separate returns, 25:1 to 25:3

Pre-1966 regulations, special permission to shift to separate returns, **25:2**

Regulations, **25:1 to 25:3**

Request, special permission to shift to separate returns, 25:2

Separate returns, permission to shift to, **25:1** to **25:3**

Shift to separate returns, permission, **25:1 to 25:3**

Special permission to shift to separate returns, 25:2

Subsequent years, 25:1

Substantial adverse effect, permission to shift to separate returns, **25:2**, **25:3**

Tests, special permission to shift to separate returns, **25:2**

Validity, 25:1

CONTINUITY OF CONSOLIDATED GROUP

Generally, **5:1 to 5:3**

Absorption of group into another group, consequences from terminating group, **5:1**

Acquisitions, 5:2, 5:3

Adjustment to basis, when group remains in existence, **5:2**

Agent for group, parent as, reverse acquisitions, **5:3** Assets, **5:2, 5:3**

Basis, **5:1 to 5:3**

Built-in deduction limitations, consequences from terminating group, **5:1**

Built-in loss limitations, consequences from terminating group, **5:1**

Carrybacks, reverse acquisitions, 5:3

Carryovers, consequences from terminating group, 5:1

C corporations, when group remains in existence,

Change in ownership, reverse acquisitions, 5:3

Consequences from terminating group, 5:1

CONTINUITY OF CONSOLIDATED GROUP —Cont'd

Continued filing of consolidated returns requirement, consequences from terminating group, 5:1

Deferred

gain or loss, consequences from terminating group, **5:1**

intercompany transactions, income and loss, **5:1** Dividends received deduction, reverse acquisitions, **5:3**

Downstream mergers, 5:2, 5:3

Dual resident corporations, when group remains in existence, **5:2**

Elections, when group remains in existence, **5:2** Estimated tax payments, consequences from terminating group, **5:1**

Excess loss accounts, consequences from terminating group, **5:1**

Exempt organizations, when group remains in existence. **5:2**

Foreign corporations, reverse acquisitions, **5:3** Gain deferred, consequences from terminating group, **5:1**

Holding companies, 5:2, 5:3

Includible corporations, when group remains in existence, **5:2**

Income on deferred intercompany transactions, consequences from terminating group, **5:1**

Intercompany transactions deferred, income and loss, **5:1**

Loss

built-in loss limitations, consequences from terminating group, **5:1**

deferred intercompany transactions, consequences from terminating group, **5:1**

deferred loss, consequences from terminating group, 5:1

excess loss accounts, consequences from terminating group, **5:1**

Mergers, 5:2, 5:3

Ownership change, reverse acquisitions, 5:3

Pre-1966 regulations, when group remains in existence, **5:2**

Real estate investment trusts, when group remains in existence, **5:2**

Reduction in basis, consequences from terminating group, **5:1**

Regulations, **5:1 to 5:3**

Reorganizations, 5:2, 5:3

Reverse acquisitions, **5:3**

S corporations, when group remains in existence, 5:2

CONTINUITY OF CONSOLIDATED GROUP —Cont'd

Statute of limitations, reverse acquisitions, **5:2** Stock, **5:2**, **5:3**

Taxable years, 5:1 to 5:3

Termination of group, 5:1, 5:2

Tests, when group remains in existence, 5:2

Transactions, **5:2, 5:3**

Upstream mergers, when group remains in existence, **5:2**

Waiver of statute of limitations, reverse acquisitions, **5:2**

When group remains in existence, 5:2

CONTRACTS

See index heading AGREEMENTS

CONTRIBUTIONS

Charitable contribution deduction

generally, 8:1

for detailed treatment see index heading CHARITABLE CONTRIBUTION DEDUCTION

Earnings and profits. See index heading EARNINGS AND PROFITS

Tax planning. See index heading TAX PLANNING

CONTROLLED GROUP OF CORPORATIONS

Consolidated computations, consolidated tax liability, **7:1**

CONVERTIBLE PREFERRED STOCK

Affiliated group, dual tests for affiliation, 4:7

COOPERATIVE BANKS

Special taxes and taxpayers, generally, 22:5

COOPERATIVE HOUSING CORPORATIONS

Affiliated group, 4:1

Consolidated computations, themes of single entity and multiple entities, **7:4**

COOPERATIVES

Affiliated group, 4:1, 4:2

Banks, special taxes and taxpayers, 22:5

Housing corporations. See index heading Cooperative Housing Corporations

Intercompany transactions, cooperatives as members, **13:66**

CORPORATE MINIMUM TAX

Generally, 22:1

For detailed treatment see index heading MINIMUM TAX

CORPORATE MIXING BOWL

Intercompany transactions, 13:50

CORRESPONDING AMENDMENTS

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:21 to 28:24

CORRESPONDING ITEMS

Intercompany transactions. See index heading INTERCOMPANY TRANSACTIONS

COSTS AND EXPENSES

Accelerated cost recovery system. See index heading ACCELERATED COST RECOVERY SYSTEM

Business interest expense, disallowed, 13:31

Deductions, expenditures for mine exploration, **8:3** Foreign tax credit, allocation and apportionment,

17:1

Investment adjustments, noncapital, nondeductible expenses, 18:5

CREDITS

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Foreign tax credit

generally, 17:1 to 17:3

for detailed treatment see index heading FOREIGN
TAX CREDIT

General business credit

generally, 16:1, 16:2

for detailed treatment see index heading GENERAL BUSINESS CREDIT

Investment credit. See index heading INVESTMENT

Limitations on credits

foreign tax credit, 3:6, 17:1 to 17:3

general business credit. See index heading gen-ERAL BUSINESS CREDIT

tax planning. See index heading TAX PLANNING Minimum tax credit, 22:1

Passive activity credits. See index heading passive activity losses and credits

Tax planning. See index heading TAX PLANNING Unused credits. See index heading UNUSED CREDITS

CUSTOMERS

Earnings and profits, effect on customers, 20:9

D

DAMAGE CLAIMS

Built-in losses and deductions, 11:1

DATE

See index heading TIME OR TIMING

DEALERS

Intercompany transactions, 14:21

DEBT/EQUITY REGULATION

Intercompany transactions, 15:13

DEBTOR FIRST RULE

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28.6

DECLARATION OF ESTIMATED TAX

Generally, 26:2

DECONSOLIDATION OR DISAFFILIATION

Affiliated group, affiliated status, 4:4

DEDUCTIONS

Generally, 8:1 to 8:4

Aggregation

stock ownership, dividends received, 8:2

Bad debt deductions. See index heading BAD DEBT DEDUCTIONS

Built-in deductions

generally, 11:1 to 11:3

for detailed treatment see index heading BUILT-IN LOSSES AND DEDUCTIONS

Carryovers

charitable contribution deduction, 8:1

mine exploration expenditures, 8:3

Charitable contribution deduction

generally, 8:1

for detailed treatment see index heading CHARITABLE CONTRIBUTION DEDUCTION

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Dividends paid on preferred stock of public utilities consolidated computations, 7:2, 7:3

tax planning, limitations, 2:8

Dividends received deduction

generally, 8:2

consolidated computations, 7:2, 7:3

continuity of affiliated group, reverse acquisitions, **5:3**

limitations, 2:8, 8:2

tax planning, limitations, 2:8

Expenditures for mine exploration, 8:3

Exploration of mines, expenditures, 8:3

Foreign tax credit, 17:1

Investment adjustments, noncapital, nondeductible expenses, 18:5

Limitations on deductions

built-in deductions

generally, 11:1 to 11:3

DEDUCTIONS—Cont'd

Limitations on deductions—Cont'd built-in deductions—Cont'd

for detailed treatment see index heading BUILT-IN LOSSES AND DEDUCTIONS

charitable contribution deduction, 2:8, 8:1

consolidated computations, 7:2 to 7:4, 7:7

dividends paid on preferred stock of public utilities, 2:8

dividends received, 2:8, 8:2

mine exploration expenditures, 8:3

net capital gains and losses, 9:1

tax planning, comparison with separate returns, 2:8

Mine exploration expenditures, 8:3

Net capital gains and losses, limitations, 9:1

Net operating losses

generally, 10:1 to 10:3, 10:5

for detailed treatment see index heading NET OPERATING LOSSES

Payment of dividends on preferred stock of public utilities. Dividends paid on preferred stock of public utilities, above

Qualification tests, Western Hemisphere trade corporations, **8:4**

Received dividends. Dividends received deduction, above

Regulations

charitable contribution deduction, **8:1** mine exploration expenditures, **8:3**

Western Hemisphere trade corporations, 8:4

Taxable income, 8:1 to 8:4

Tax planning. See index heading TAX PLANNING

Tax Reform Act of 1969, mine exploration expenditures, 8:3

Western Hemisphere trade corporations, 8:4

DEEMED DIVIDEND ELECTION

Earnings and profits, 20:2

Tax planning, comparison with separate returns, 2:4

DEEMED SALES

Section 338 elections, 21:1, 21:2

DEFERRAL OR POSTPONEMENT

Built-in losses and deductions, deferred compensation, 11:2

Continuity of affiliated group. See index heading CONTINUITY OF CONSOLIDATED GROUP

Corporate alternative minimum tax, 22:1

Gains or losses

continuity of affiliated group, consequences from terminating group, **5:1**

DEFERRAL OR POSTPONEMENT—Cont'd

Gains or losses—Cont'd

tax planning, comparison with separate returns, 2:3, 2:6

Intercompany transactions. See index heading INTERCOMPANY TRANSACTIONS

Section 338 elections, basic rules, 21:1

Tax planning. See index heading TAX PLANNING

DEFICIENCIES

Consolidated computations, consolidated tax liability, **7:1**

DEFINITIONS

Affiliated group, 4:1

Built-in deduction, 11:2

Built-in loss, 11:1

Consolidated income tax return, 1:1

Excess loss accounts, 18:18

Includible corporation, 4:2

Intercompany obligation, 15:2

Loss group, 12:5

Marketable securities, 11:2

Predecessor and successor, 12:10

Preferred stock. 18:14

Tax-exempt income, 18:4

Unified loss rule, Regulation section 1.1502-36(f), **19:34**

DELEGATION OF POWER

Role of regulations, 6:1, 6:2

DE MINIMIS EXCEPTION

Built-in losses and deductions, 11:2

DEPARTURE OF A MEMBER

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:17

DEPRECIATION

Bonus, Section 168(k), 22:12

Consolidated computations, separate taxable income computations, 7:3

Earnings and profits, effect of depreciation on, 20:5, 20:8

DEPRECIATION AND RECAPTURE

Intercompany transactions, 13:20

DETERMINATIONS

Redeterminations. See index heading REDETERMINA-TIONS

DIRECT OWNERSHIP

Affiliated group, dual tests for affiliation, 4:8

DISABLED PERSONS

Removal of architectural and transportation barriers, limitations on deductions, **2:8**

DISAFFILIATION

Affiliated group, affiliated status, 4:4

DISALLOWANCE

Intercompany transactions, **13:14** Losses. See index heading Losses

DISCONTINUANCE OF CONSOLIDATED FILING

Continued consolidated filing requirement, **25:2**, **25:3**

DISCRETIONARY MATTERS

Continued consolidated filing requirement, permission to shift to separate returns, **25:2**, **25:3**

DISCs

See index heading domestic international sales CORPORATIONS

DISPOSITION

Stock. See index heading stock

DISSOLUTION OF INSOLVENT SUBSIDIARY

Intercompany transactions, 15:9

DISTRIBUTIONS

In-kind distributions of stock. See index heading IN-KIND DISTRIBUTIONS OF STOCK

Intercompany transactions. See index heading INTERCOMPANY TRANSACTIONS

Investment adjustments, 18:6

Tax planning. See index heading TAX PLANNING

DIVIDENDS

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Deductions. See index heading DEDUCTIONS

Deemed dividend election. See index heading
DEEMED DIVIDEND ELECTION

Financial institutions, 22:5

Net operating losses. See index heading NET OPERAT-ING LOSSES

Personal holding company tax, 22:3

Preferred stock. See index heading PREFERRED STOCK Section 338 elections, 21:4

Tax planning. See index heading TAX PLANNING

DIVISION OF SINGLE CORPORATION

Intercompany transactions, 13:11

DOLLAR VALUE LIFO

Intercompany transactions, 13:40

DOMESTIC INTERNATIONAL SALES CORPORATIONS

Affiliated group, **4:2**

Former domestic international sales corporations, 3:7, 4:2

History of consolidated returns, 3:7, 3:8

DOWNSTREAM MERGERS

Continuity of affiliated group, 5:2, 5:3

Earnings and profits, 20:4, 20:15

Intercompany transactions, 14:13

Net operating losses, separate return years, 10:2

DUAL CONSOLIDATED LOSS

Net operating losses, 10:10

DUAL RESIDENT CORPORATIONS

Affiliated group, 4:3

Continuity of affiliated group, when group remains in existence, 5:2

History of consolidated returns, 3:8

Net operating losses, 10:3

Tax planning. See index heading TAX PLANNING

DUAL TESTS FOR AFFILIATION

Affiliated group, 4:5 to 4:8

DUE DATE FOR RETURN

Exercise of consolidated return privilege, 24:1

 \mathbf{E}

EARNINGS AND PROFITS

Generally, 20:1 to 20:19

Accumulated earnings tax, 22:2

Adjustment or adjustments

basis, below

current earnings, alternative minimum tax, 22:1

Allocation of consolidated tax liability

generally, 20:9

case study

generally, 31:2 to 31:9

Basic Method 1, 31:4

Basic Method 2. 31:5

Basic Method 3, 31:6

comparative summary of five allocation methods, **31:9**

Complementary Method 1/Basic Method 1, **31:7**

Complementary Method 2/Basic Method 2, 31.8

computation of consolidated tax liabilities (two years), **31:3**

EARNINGS AND PROFITS—Cont'd	EARNINGS AND PROFITS—Cont'd
Alternative minimum tax, adjusted current earn-	Phantom E&P, 20:2
ings, 22:1	Planning with the elimination of E&P, 20:14
Anti-avoidance rule, 20:18 Basis	Plans for profit sharing. Profit-sharing plans, below
generally, 20:8	Profit-sharing plans
cross-reference to basis adjustment principles,	consolidated computations, employee profit-sharing plans, 7:4
20:6	tax planning, comparison with separate returns,
tiering up of E&P, 20:2	2:19
unabsorbed losses, treatment of, 20:7	Public utilities, 20:9
Computations	Realignment of companies within the same group,
case study	20:1
generally, 31:10 to 31:12	REITs, 20:14
parent's earnings and profits (two years),	Reverse acquisitions, 20:15, 20:16
31:11	Review of elements in E&P account, 20:1
three subsidiaries (two years), 31:12	Section 304 transactions, 20:16
consolidated computations, employee profit-shar-	Separate entity theory, history of E&P, 20:2
ing plans, 7:4	Special status corporations, exceptions for, 20:13
Contributions	Spin-offs, 20:12
generally, 20:2 , 20:9 , 20:15 , 20:16	Statute of limitations, 20:1
tax planning, profit-sharing plans, 2:19	Stockholders, effect of E&P on, 20:9
Current earnings and profits rules, 20:3	Tax planning. See index heading TAX PLANNING
Customers, effect of E&P on, 20:9	Thrift institutions, 20:13
Deemed dividend election, 20:2	Tiering up E&P, 20:2, 20:3, 20:6, 20:15, 20:16
Depreciation, effect on E&P, 20:5, 20:8	Unabsorbed losses, treatment of, 20:7
Dividends, distributions classified as, 20:1 , 20:3	EFFECTIVE DATE
Downsteam mergers, 20:4, 20:15	Earnings and profits, 20:15, 20:19
Effective dates, 20:15, 20:19	Group structure changes, 18:31
Elimination of E&P	Intercompany transactions. See index heading
nonduplicated E&P not eliminated, 20:11	INTERCOMPANY TRANSACTIONS
planning with the elimination of E&P, 20:14	Overlap rule, net operating losses, 10:9
subsidiary ceases to be a member of the group,	
20:10	EIGHTY PERCENT DISTRIBUTEE
Exceptions for special status corporations, 20:13	Intercompany transactions, 13:59
General Code E&P rules, application of, 20:5	ELAs
Group structure changes, generally, 20:15	See index heading excess loss accounts
History of earnings and profits for members of a	ELDERLY PERSONS
consolidated group, 20:2 Insurance companies, 20:13	Removal of architectural and transportation barri-
	ers, limitations on deductions, 2:8
Internal reorganizations, 20:17	
Life insurance companies, 22:4	ELECTIONS
Limitation of actions, 20:1	Administrative rules
Liquidations, 20:4 , 20:6	generally, 27:4
Losses	for detailed treatment see index heading
net operating losses. See index heading NET	ADMINISTRATIVE RULES
OPERATING LOSSES	Affiliated group, 4:2, 4:3
unabsorbed losses, treatment of, 20:7	Alternative minimum tax, 22:1
Net operating losses. See index heading NET OPERAT- ING LOSSES	Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS
Nonduplicated E&P not eliminated, 20:11	Continued consolidated filing requirement,
Other rules of law, application of, 20:4	discontinue consolidated filing, 25:2, 25:3

ELECTIONS—Cont'dContinuity of affiliated

Continuity of affiliated group, when group remains in existence, **5:2**

Deemed dividend election. See index heading DEEMED DIVIDEND ELECTION

Foreign tax credit, 17:1

Intercompany transactions. See index heading INTERCOMPANY TRANSACTIONS

Life insurance companies, 22:4

LLCs electing to be corporations, **29:19**

Net operating losses, 10:1 to 10:4, 10:7, 31:40

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:11

Section 336(e) elections, 21:6

Section 338 elections

generally, 21:1 to 21:5

for detailed treatment see index heading SECTION 338 ELECTIONS

Tax planning. See index heading TAX PLANNING

EMPLOYEE PROFIT-SHARING PLANS

Consolidated computations, themes of single entity and multiple entities, **7:4**

EMPLOYEE STOCK OWNERSHIP PLANS

Affiliated group, dual tests for affiliation, **4:6**Consolidated computations, themes of single entity and multiple entities, **7:4**

History of consolidated returns, 3:8

EMPLOYMENT TAXES

Tax planning, comparison with single corporation, 2:28

"END-OF-THE-DAY" RULE

Consolidated returns, 23:5

ENTITLEMENT RULE

Intercompany transactions, 14:3

ENVIRONMENTAL TAX

Consolidated computations, consolidated tax liability, **7:1**

Estimated tax, 26:2

ESOPs

See index heading EMPLOYEE STOCK OWNERSHIP PLANS

ESTIMATED TAX

Generally, 26:1 to 26:3

Adjustment of overpayment, 26:1

Allocation of tax liability, 26:2

Alternative minimum tax, 26:2

Application for adjustment of overpayment, 26:1

ESTIMATED TAX—Cont'd

Computations

consolidated computations, consolidated tax liability, **7:1**

penalties, 26:1, 26:2

Consolidated basis, 26:1, 26:2

Consolidated computations, consolidated tax liability, **7:1**

Consolidated tax liability

allocation, 26:2

consolidated computations, rules, 7:1

Continuity of affiliated group, consequences from terminating group, **5:1**

Declaration of estimated tax, 26:2

Environmental tax, 26:2

Failure to pay, 26:1, 26:2

Interest netting, 26:3

Large corporations, 26:1, 26:2

Overpayment

adjustment, 26:1

interest netting, 26:3

net operating losses, tentative carryback adjustments, 10:6

Payment or payments

generally, 26:1

continuity of affiliated group, consequences from terminating group, **5:1**

failure to pay, 26:1, 26:2

overpayment, above

tax planning, limitations on deductions and credits, 2:8

underpayment, computation of penalties for, **26:2, 26:3**

Penalties, 26:1, 26:2

Regulations, 26:1, 26:2

Reverse acquisitions, 31:23

Rules

generally, 26:1, 26:2

consolidated computations, consolidated tax liability, **7:1**

Separate basis, 26:1, 26:2

Short taxable year, 26:1, 26:2

Tax planning, payments, 2:8

Underpayment, computation of penalties for, **26:2**, **26:3**

ESTOPPEL

Affiliated group, affiliated status, 4:4

EVIDENCE

Affiliated group. See index heading AFFILIATED GROUP Exercise of consolidated return privilege, consent to regulations, 24:1

EXAMINATION OF RETURNS

Bona fide shareholders of record, administrative rules, **27:1**

EXCEPTIONS

See index heading exclusions or exemptions

EXCESS

Contributions, charitable contribution deduction, 8:1

Interest losses, net operating losses, 10:1

Loss accounts. See index heading excess loss

Profits tax, history of consolidated returns, **3:1**, **3:2**, **3:5**, **3:6**

EXCESS LOSS ACCOUNTS

Generally, 18:18 to 18:25

Avoiding recognition, 18:19

Carryover of ELA for certain carryover basis transactions, **18:22**

Continuity of affiliated group, consequences from terminating group, **5:1**

Conversion of ELA to intercompany gain, 18:23

Definition, 18:18

Exceptions to inclusion events, 18:21

Inclusion events

generally, 18:20

carryover of ELA for certain carryover basis transactions, **18:22**

conversion of ELA to intercompany gain, **18:23** exceptions to inclusion events, **18:21**

spin-offs, 18:24

Limited liability companies, 29:6

Negative basis, 18:18, 18:22 to 18:25

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:15, 28:23

Section 338 elections, 21:1, 21:2

Section 361(b)(3), **18:25**

Spin-offs, 18:24

EXCESS PROFITS TAX ACT OF 1950

History of consolidated returns, 3:5

EXCISE TAX

Intercompany transactions corporate stock repurchase, **14:10**

EXCLUSIONS OR EXEMPTIONS

Affiliated group, includible corporations, **4:2**Built-in losses and deductions, exceptions to 1966-1996 rule, **11:2**

Cancellation of indebtedness income, 18:38, 28:22

EXCLUSIONS OR EXEMPTIONS—Cont'd

Excess loss accounts, exceptions to inclusion events. 18:21

History of consolidated returns, 3:5 to 3:8

Intercompany transactions. See index heading INTERCOMPANY TRANSACTIONS

Investment. See index heading INVESTMENT

Multiple surtax exemptions. See index heading MULTIPLE SURTAX EXEMPTIONS

Organizations. See index heading EXEMPT ORGANIZATIONS

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, **28:22**

Section 338 elections, 21:2

Tax exempt. See index heading TAX EXEMPT

EXEMPT ORGANIZATIONS

Generally, 1:1

Continuity of affiliated group, when group remains in existence, 5:2

History of consolidated returns, 3:7

Tax planning, comparison with separate returns, 2:20

Unrelated business taxable income, 22:6

EXERCISE

Consolidated return privilege

generally, 24:1 to 24:3

for detailed treatment see index heading EXERCISE OF CONSOLIDATED RETURN PRIVILEGE

Continued consolidated filing requirement. See index heading continued consolidated filing requirement

Stock options, dual tests for affiliation, 4:7

EXERCISE OF CONSOLIDATED RETURN PRIVILEGE

Generally, **24:1 to 24:3**

Alternatives

consent to regulations, 24:1, 24:2

tax planning, 2:1

Application for extension of time for filing return, **24:1**

Automatic extension of time for filing return, 24:1

Bankruptcy, consent to regulations, 24:1

Consent to regulations, 24:1, 24:2

Continued consolidated filing requirement, 25:1

Due date for return, 24:1

Evidence, consent to regulations, 24:1

Extension of time for filing return, 24:1

Fact, mistake of, 24:2

EXERCISE OF CONSOLIDATED RETURN PRIVILEGE—Cont'd

Failure of member to sign consent to regulations, 24:2

Form 1122, consent to regulations, 24:1, 24:2

History of consolidated returns, 3:3

Inclusion of nonmembers, 24:3

Law, mistake of, 24:2

Legislative regulations, **24:1**

Mistakes, 24:2, 24:3

Nonmembers, inclusion of, 24:3

Regulations, 24:1 to 24:3

Repudiation, consent to regulations, 24:1

Revenue Act of 1928, 24:1

Revocation, consent to regulations, 24:1

Signatures, consent to regulations, 24:1, 24:2

Strict compliance with regulations, 24:1

Tax planning, alternatives, 2:1

Time for filing return, 24:1

Withdrawal of return, 24:1

EXPENSES

See index heading costs and expenses

EXPLORATION OF MINES

Deductions, expenditures, 8:3

EXTENSION OF TIME FOR FILING RETURN

Exercise of consolidated return privilege, **24:1** Reverse acquisitions, **31:20**

F

FACT

Mistake of fact, exercise of consolidated return privilege, 24:2

Question of fact, existence of affiliation, 4:4

FAILURE OF MEMBER TO SIGN CONSENT TO REGULATIONS

Exercise of consolidated return privilege, 24:2

FAILURE TO PAY

Estimated tax, 26:1, 26:2

FARMERS' COOPERATIVES

Affiliated group, 4:2

FILING

Continued consolidated filing requirement generally, **25:1** to **25:3**

for detailed treatment see index heading

CONTINUED CONSOLIDATED FILING REQUIREMENT

Discontinuance of consolidated filing. See index
heading discontinuance of consolidated filing

FILING—Cont'd

Extension of time for filing return, exercise of consolidated return privilege, **24:1**

Privilege of filing consolidated returns. See index heading privilege of filing consolidated RETURNS

FINANCIAL INSTITUTIONS

Banks. See index heading BANKS Net operating losses, special status losses, **10:1** Special taxes and taxpayers, **22:5**

FIRE INSURANCE COMPANIES

Consolidated computations, consolidated tax liability, **7:1**

FLAT TAX RATE

History of consolidated returns, 3:4

FOREIGN

Corporations. See index heading Foreign Corporations

Countries. See index heading Foreign Countries Expropriation losses. See index heading Foreign EXPROPRIATION LOSSES

Insurance companies, affiliated group, **4:2** Loss recapture, foreign tax credit, **17:1**, **17:2**

Tax credit

generally, **17:1 to 17:3**

for detailed treatment see index heading FOREIGN
TAX CREDIT

FOREIGN CORPORATIONS

Affiliated group, 4:1, 4:2

Continuity of affiliated group, reverse acquisitions, 5:3

History of consolidated returns, 3:5

Section 338 elections, 21:1

Tax planning. See index heading TAX PLANNING

FOREIGN COUNTRIES

Canada. See index heading CANADA

China Trade Act corporations. See index heading China Trade act corporations

Contiguous foreign countries. See index heading CONTIGUOUS FOREIGN COUNTRIES

Mexico. See index heading MEXICO

FOREIGN DERIVED INTANGIBLE INCOME

Special taxes and taxpayers, 22:10

FOREIGN EXPROPRIATION LOSSES

Net capital losses, 9:3

Net operating losses, special status losses, 10:1

FOREIGN TAX CREDIT

Generally, **17:1 to 17:3**

Adjustments, consolidated computations, 17:1

Aggregation

stock ownership, 17:1

taxable income, 17:1

Allocation

expenses, consolidated computations, **17:1** unused credits, carrybacks and carryforwards,

17:2

Apportionment of expenses, consolidated computations, 17:1

Carrybacks and carryforwards, 17:2

Change of ownership, 17:2

Consolidated computations, 7:1, 17:1

Consolidated taxable income, consolidated computations, 17:1

Consolidated tax liability, consolidated computations, **17:1**

Deductions, 17:1

Deferred intercompany transactions, 17:1

Elections, 17:1

Excess credits, carrybacks and carryforwards, 17:2

Expenses, allocation and apportionment, 17:1

Foreign loss recapture, 17:1, 17:2

History of consolidated returns, 3:6, 3:8

Intercompany transactions, consolidated computations. 17:1

Life insurance companies, 22:4

Limitations, 3:6, 17:1 to 17:3

Losses

carrybacks and carryforwards, 17:2

recapture of foreign loss, 17:1, 17:2

Overall foreign losses, carrybacks and carryforwards, 17:2

Overall limitation, 17:1

Ownership

aggregation of stock ownership, consolidated computations, 17:1

change, carrybacks and carryforwards, 17:2

Per-country limitation, 17:1

Recapture of foreign loss, 17:1, 17:2

Regulations, 17:1, 17:2

Separate limitation losses, 17:3

Tax planning, comparison with separate returns, 2:8, 2:13

Tax Reform Act of 1986, consolidated computations, 17:1

Unused credits, carrybacks and carryforwards, 17:2

FORM 851 (AFFILIATION SCHEDULE)

Generally, 1:1, 27:1

FORM 1120 (CONSOLIDATED RETURN)

Generally, 1:1, 27:1

FORM 1122 (CONSENT)

Generally, 24:1, 24:2, 27:1

FORMER DOMESTIC INTERNATIONAL SALES CORPORATIONS

Generally, **3:7, 4:2**

FORMS

Administrative rules, 27:1

Affiliation schedule, Form 851, 1:1, 27:1

Consent, Form 1122, 24:1, 24:2, 27:1

Consolidated return, Form 1120, 1:1, 27:1

Illustrated IRS forms, list of, 30:3

Model tax returns. See index heading MODEL TAX RETURNS

Reverse acquisitions. See index heading REVERSE ACQUISITIONS

FRAUD

Consolidated computations, consolidated tax liability, **7:1**

FTC

Generally, **17:1 to 17:3**

For detailed treatment see index heading FOREIGN TAX CREDIT

G

GAINS

Capital gains. See index heading Capital Gains and LOSSES

Deferral or postponement. See index heading Defer-RAL OR POSTPONEMENT

Intercompany transactions. See index heading INTERCOMPANY TRANSACTIONS

Net gains. See index heading NET GAINS OR LOSSES

Restoration. See index heading RESTORATION

Section 338 elections, 21:1, 21:2

Section 1231 gains. See index heading Section 1231 GAINS AND LOSSES

Tax planning. See index heading TAX PLANNING

GAS AND OIL

Consolidated computations, themes of single entity and multiple entities, **7:4**

GBC

Generally, 16:1, 16:2

For detailed treatment see index heading GENERAL BUSINESS CREDIT

GENERAL BUSINESS CREDIT

Generally, **16:1**, **16:2**

Affiliated group, consolidated computation, **16:1** Aggregate of credits, consolidated computation,

16:1

Apportionment

carrybacks and carryforwards of unused credits, 16:2

consolidated tax liability, consolidated computation, 16:1

Carrybacks and carryforwards of unused credits, 16:2

Change of ownership, carrybacks and carryforwards of unused credits, **16:2**

Consolidated computation, 16:1, 16:2

Consolidated tax liability, consolidated computation, **16:1**

Intercompany transfers, consolidated computation, 16:1

Investment credit, 16:1, 16:2

Limitations

carrybacks and carryforwards of unused credits, 16:2

consolidated computation, 16:1

tax planning, comparison with separate returns, 2:8

Liquidations, consolidated computation, **16:1**Mutual savings banks, consolidated computation, **16:1**

Net operating losses, carrybacks and carryforwards of unused credits, **16:2**

Offsets, consolidated computation, 16:1

Ownership change, carrybacks and carryforwards of unused credits, **16:2**

Partial liquidations, consolidated computation, 16:1

Property, consolidated computation, 16:1

Public utilities, consolidated computation, 16:1

Recapture, consolidated computation, 16:1

Regulations, 16:1, 16:2

Single entity concept, consolidated computation, 16:1

Tax planning, comparison with separate returns, $\bf 2:8$

Tax Reform Act of 1986, **16:1**, **16:2**

Unused credits, carrybacks and carryforwards, 16:2

Work incentive program credit, consolidated computation, **16:1**

GLOBAL INTANGIBLE LOW-TAXED INCOME (GILTI)

Subsidiary that owns a CFC, **19:36**Unified loss rule, interaction with, **19:36**

GOODWILL

Built-in losses and deductions, 11:1, 11:2

GRADUATED CORPORATE TAX

Consolidated computations, consolidated tax liability, **7:1**

GROSS INCOME

Personal holding companies, 22:3, 31:15

GROUP STRUCTURE CHANGES

Generally, 18:26 to 18:31

Background and purpose, 18:26

Earnings and profits. See index heading EARNINGS AND PROFITS

Effective date, 18:31

Form versus substance, 18:30

Limitations on available options, 18:29

Section 362, contrast with, 18:28

Stock basis following group structure change regulations, 18:27

GULF OPPORTUNITY ZONE ACT

Excess loss accounts, 18:25

H

HANDICAPPED PERSONS

Removal of architectural and transportation barriers, limitations on deductions, **2:8**

HISTORY

Built-in losses and deductions, 11:1

Consolidated returns

generally, **3:1 to 3:9**

for detailed treatment see index heading HISTORY
OF CONSOLIDATED RETURNS

Earnings and profits, 20:2

Group structure changes, 18:26

Intercompany transactions, 3:9, 13:1, 15:1

Investment adjustments, 18:1

Limited liability companies, 29:1

HISTORY OF CONSOLIDATED RETURNS

Generally, 3:1 to 3:9

Additional tax, 3:3 to 3:6

Affiliated group, **3:1 to 3:9**

Alaskan Native Corporations, 3:8

Allocation of tax liability, 3:6, 3:7

Bankruptcy Tax Act of 1980, 3:8

Carryovers, 3:8

China Trade Act corporations, **3:5**, **3:8**

Class A affiliation, 3:1

Class B affiliation, 3:1, 3:3

Closely held C corporations, 3:8

HISTORY OF CONSOLIDATED RETURNS

—Cont'd

Compulsory consolidated returns, 3:1 Revenue Act of 1928, **3:3** Consent. 3:5 Revenue Act of 1932. 3:3 Consolidated surtax net income, 3:5 Revenue Act of 1934, 3:4 Constructive liquidation, 3:8 Revenue Act of 1935, **3:4** Domestic international sales corporations (DISCs), Revenue Act of 1936, 3:4 3:7, 3:8 Revenue Act of 1938, 3:4 Dual resident corporations, 3:8 Revenue Act of 1939, 3:4 Employee stock ownership plans, 3:8 Revenue Act of 1942, **3:5** Excess profits tax, 3:1, 3:2, 3:5, 3:6 Revenue Act of 1943, **3:5** Excess Profits Tax Act of 1950, 3:5 Revenue Act of 1950, **3:5** Exemptions, 3:5 to 3:8 Revenue Act of 1951, **3:5** Exempt organizations, 3:7 Revenue Act of 1964, **3:6** Exercise of consolidated return privilege, 3:3 Revenue Act of 1971, **3:7** Flat tax rate, 3:4 Revenue Act of 1987, **3:8** Foreign corporations, 3:5 Second Revenue Act of 1940, 3:5 Foreign tax credit, 3:6, 3:8 Spinoffs, 3:8 Former domestic international sales corporations Statutes, 3:1 to 3:9 (DISCs), 3:7 Surtax Includible corporations, 3:2 to 3:8 consolidated surtax net income, 3:5 Insurance companies, 3:3, 3:5, 3:7, 3:8 penalty tax on use of multiple surtax exemptions, Intercompany transactions, 3:9 Internal Revenue Code of 1954, 3:6 Tax Equity and Fiscal Responsibility Act of 1982, Life insurance companies, 3:3, 3:7, 3:8 3:8 Limitations on foreign tax credit, 3:6 Tax Reform Act of 1969, 3:7 Liquidations, 3:8 Tax Reform Act of 1976, 3:8 Multiple surtax exemptions, penalty tax on use of, Tax Reform Act of 1984, 3:8 3:6 Tax Reform Act of 1986, 3:8 Mutual insurance companies, 3:3 Technical and Miscellaneous Revenue Act of 1988, National Industrial Recovery Act, 3:3 Net operating losses, 3:8 Technical Corrections Act of 1982, 3:8 Offsets, 3:8 Use of multiple surtax exemptions, penalty tax on, Omnibus Budget Reconciliation Act of 1989, 3:8 Western Hemisphere trade corporations, 3:5, 3:6, Optional consolidated returns, 3:1, 3:2 3:8 Pan-American trade corporations, **3:4, 3:5** Partial liquidations, 3:8 HOLDING COMPANIES Penalty tax on use of multiple surtax exemptions, Continuity of affiliated group, 5:2, 5:3 3:6 Personal holding companies. See index heading Personal holding company tax, 3:6 PERSONAL HOLDING COMPANIES Personal service corporations, 3:5 HOLDING PERIOD Privilege of filing consolidated returns, 3:3 to 3:5 Intercompany transactions, 13:9 Public utilities, 3:5, 3:6 Railroad corporations, 3:4 I Refunds, 3:8 Regulations, 3:1, 3:3, 3:7 to 3:9 INCLUDIBLE CORPORATIONS Revenue Act of 1917, 3:1 Affiliated group, **4:1 to 4:3** Revenue Act of 1918, **3:1** Continuity of affiliated group, when group remains Revenue Act of 1921, **3:1, 3:2** in existence, 5:2 Revenue Act of 1924, 3:2 History of consolidated returns, 3:2 to 3:8 Life insurance companies, 22:4 Revenue Act of 1926, 3:2

HISTORY OF CONSOLIDATED RETURNS

—Cont'd

INCLUDIBLE CORPORATIONS—Cont'd

Unrelated business taxable income, 22:6

INCLUSION

Excess loss accounts. See index heading excess loss ACCOUNTS

Foreign corporations, tax planning, 2:13

Nonmembers, exercise of consolidated return privilege, 24:3

INCOME

For related material see index heading EARNINGS AND PROFITS

Alternative minimum tax, 22:1

Consolidated returns, income includible in

generally, 23:1 to 23:19

for detailed treatment see index heading Income Includible in Consolidated Returns

Continuity of affiliated group, deferred intercompany transactions, **5:1**

Net operating losses, 10:1 to 10:4, 10:7, 10:8

Section 338 elections, recapture, 21:1, 21:2

Tax planning. See index heading TAX PLANNING

INCOME INCLUDIBLE IN CONSOLIDATED RETURNS

Generally, 23:1 to 23:19

Anti-avoidance rule, 23:17

Common parent, acquisition of stock of, 23:4

Compensation related costs, 23:8

Continuation of group upon disposition of all subsidiaries, 23:3

Due date for short period returns, 23:18

"End-of-the-day" rule, 23:5

Income allocated, 23:2

Intra-month allocation for ratable allocation election, 23:14

Next day rule, 23:7

One day problem for S corporations, 23:6

Option cash outs, 23:8

Pass-through entities, subsidiaries owning interests in. 23:16

Ratable allocation election

generally, 23:9 to 23:14

extraordinary items, ratable allocation unavailable for, 23:13

general rule, 23:12

intra-month allocation, 23:14

manner of election, 23:11

same taxable year end requirement, 23:10

time of election, 23:11

Same taxable year end requirement for ratable allocation election, 23:10

INCOME INCLUDIBLE IN CONSOLIDATED RETURNS—Cont'd

S corporations, one day problem for, 23:6

Short period returns, due date for, 23:18

Subsidiaries, 23:3, 23:16

Taxes, 23:15

Tax year considerations, 23:1

Time for ratable allocation election, 23:11

Time or date

effective date, 23:19

ratable allocation election, 23:11

short period returns, due date for, 23:18

INDEBTEDNESS

See index heading DEBTS

INFORMATION RETURNS

Separate information returns, administrative rules, 27:1

INSOLVENCY

For related material see index heading BANKRUPTCY Administrative rules, parent as agent for subsidiaries, 27:2

Financial institutions, 22:5

Intercompany transactions, insolvent subsidiary, 15:9

Net operating losses, 10:1, 10:3

INSTALLMENT SALES

Intercompany transactions. See index heading INTERCOMPANY TRANSACTIONS

Tax planning, characteristics after intercompany transfers, 2:7

INSURANCE COMPANIES

Casualty insurance companies. See index heading CASUALTY INSURANCE COMPANIES

Earnings and profits, 20:13

Fire insurance companies. See index heading fire INSURANCE COMPANIES

History of consolidated returns, 3:3, 3:5, 3:7, 3:8

Intercompany transactions, 13:42

Life insurance companies. See index heading LIFE INSURANCE COMPANIES

Mutual insurance companies. See index heading MUTUAL INSURANCE COMPANIES

INTENT

Built-in losses and deductions, inquiry into intent,

INTERCOMPANY TRANSACTIONS

Generally, 13:1 to 13:67

INTERCOMPANY TRANSACTIONS—Cont'd	INTERCOMPANY TRANSACTIONS—Cont'd
Acceleration rule	Credits—Cont'd
generally, 13:32 to 13:38	general business credit, consolidated computa-
B's items, 13:34	tion, 16:1
cancellation of debt and attribute reduction,	Dealers, stock of members, 14:21
13:36	Debt cancellation regulations, 13:65
no subgroups, 13:35	Debt/equity regulation, 15:13
other acceleration events, 13:38	Deductions for dividends received, generally, 8:2
S's items, 13:33	Deemed satisfaction and reissuance, nonapplication
successive intercompany transactions, 13:37	to certain outbound and intragroup transac-
Accrual of interest, 15:2, 15:4	tions, 15:6
Agreements, consolidated computations, 7:1	Deferred intercompany transactions
Allocation of attributes, 13:12	continuity of affiliated group, consequences from
Amendments to intercompany obligation regula-	terminating group, 5:1
tions, 15:1	foreign tax credit, 17:1 tax planning, comparison with single corpora-
Amount and basis of a property distribution, 14:5	tion, 2:25
Anti-avoidance rules	Definitions Definitions
generally, 13:46 to 13:52 corporate mixing bowl, 13:50	attributee, 13:7
effective dates, 13:62	corresponding items, 13:4
mixing bowl examples, 13:49 to 13:52	intercompany items, 13:3
other applications, 13:52	intercompany obligation, 15:2
partnership mixing bowl, 13:51	intercompany transactions, 13:2
purported location abuse, 13:47	recomputed corresponding items, 13:5
related party, sale to, 13:48	treatment as separate entity, 13:6
Attributee, 13:7 , 13:8	Depreciation and recapture, 13:20
Background or history, consolidated returns, 3:9	Disallowance resulting from corresponding item,
Basis, property distribution, 14:5	13:14
Bonus depreciation, Section 168(k), 22:12	Dissolution of insolvent subsidiary, 15:9
Boot, intercompany reorganizations, 14:8	Distributions. Stock of members, below
B's items, acceleration rule, 13:34	Dividends
Built in gains, 13:25	deductions for dividends received, generally, 8:2
Bump-and-strip, 13:26	tax planning, comparison with separate returns,
Business interest expense, disallowed, 13:31	2:4
Capitalized services, 13:23	Division of single corporation, 13:11
Cash mergers, 14:15	Dollar value LIFO, simplification for, 13:40
Computations. See index heading CONSOLIDATED	Downstream mergers, 14:13
COMPUTATIONS	Effective dates
Concluding observations, 13:67	anti-avoidance rule, 13:62
Conflict or allocation of attributes, 13:12	regulations, generally, 13:61
Consolidated computations. See index heading	stock elimination transactions, 13:63
CONSOLIDATED COMPUTATIONS	stock of members, effective date for elective
Contracts, consolidated computations, 7:1	relief, 14:18
Cooperatives as members, 13:66	Eighty percent distributee, 13:59
Corporate mixing bowl, 13:50	Elections
Corresponding items	inbound transactions, nonintercompany obliga-
definitions, 13:4	tions become intercompany obligations as a
disallowance or exclusion resulting from, 13:14	result of an election to file consolidated
Credits	returns, 15:10
foreign tax credit, consolidated computations, 17:1	Stock of members, below Entitlement rule, stock of members, 14:3
1/.1	Enumerical full, stock of Highligers, 14:3

INTERCOMPANY TRANSACTIONS—Cont'd	INTERCOMPANY TRANSACTIONS—Cont'd
Excess loss accounts, conversion of ELA to	Matching rule—Cont'd
intercompany gain, 18:23	manufacturer incentives, 13:28
Exclusions	nonrecognition transaction, generally, 13:16
corresponding item, exclusion resulting from, 13:14	partnership interest, intercompany sale of, 13:24 recapitalizations, 13:18
intercompany dividends, 14:2	Section 351, transactions under, 13:19
Foreign tax credit, consolidated computations, 17:1	Section 382 and recognized built in gains, 13:25
Gains and losses	Section 721, transactions under, 13:19
distributions of loss property, 14:6	Section 1031 exchanges, 13:17
net operating losses, 10:3	security dealers under Section 475, 13:27
recognition of, 2:3	special status corporations, 13:13
General business credit, transfers, 16:1	straddles, 13:29
Group, acquisition of, 13:56	timing, 13:10
Historical background, 3:9, 13:1, 15:1	Mechanics of outbound and intragroup transaction,
Holding period, matching rule, 13:9	15:5
Insolvent subsidiary, dissolution of, 15:9 Installment sales, matching rule, 13:21 , 13:22	Mirror transactions, 13:59, 13:60
Insurance companies, reserve accounting, 13:42	Miscellaneous operating rules, 13:53 to 13:60
International tax examples, matching rule, 13:30	Mixing bowl examples, anti-avoidance rules, 13:49 to 13:52
Inventory - simplification for dollar value LIFO, 13:40	Net operating losses, 10:3
Limitations, net operating losses, 10:3	Non-application of Section 362(e)(2), simplifying
Limited liability companies. See index heading	rules, 13:44
LIMITED LIABILITY COMPANIES (LLCS)	Nonintercompany obligation, intercompany obliga-
Liquidation of subsidiary triggering intercompany	tion as becoming, 15:3 , 15:5 , 15:6
item, 14:12	Nonintercompany obligation becomes
Lonely parent rule, 13:57	intercompany obligation, 15:1 , 15:3 , 15:10 to 15:12
Loss disallowance on parent stock, 14:19	
Losses. Gains and losses, below	Nonrecognition transaction, generally, 13:16 Obligations of members
Manufacturer incentives, 13:28	generally, 15:1 to 15:13
Matching rule	accrual of interest, 15:14
generally, 13:8 to 13:30	
allocation of attributes, 13:12	amendments to intercompany obligation regulations, 15:1
attribute, 13:8	background, 15:1
built in gains, Section 382 and, 13:25	debt/equity regulation, 15:13
bunp-and-strip, 13:26	definition of intercompany obligation, 15:2
capitalized services, 13:23	dissolution of insolvent subsidiary, 15:9
conflict or allocation of attributes, 13:12	election to waive loss on intercompany obliga-
corresponding item, disallowance or exclusion resulting from, 13:14	tion, 15:11
depreciation and recapture, 13:20	insolvent subsidiary, dissolution of, 15:9
disallowance resulting from corresponding item, 13:14	mechanics of outbound and intragroup transaction, 15:5
division of single corporation, 13:11	nonapplication of DSR to certain outbound and intragroup transactions, 15:6
examples, generally, 13:15 to 13:30	nonintercompany obligation, intercompany
exclusion resulting from corresponding item, 13:14	obligation as becoming, 15:3 , 15:5 , 15:6
holding period, 13:9	nonintercompany obligation becomes
installment sales, 13:21, 13:22	intercompany obligation, 15:1 , 15:3 , 15:10 to 15:12
international tax examples, 13:30	preventing avoidance of OID rules, 15:3
memanonai tax examples, 13.30	preventing avoidance of OID fules, 13.3

INTERCOMPANY TRANSACTIONS—Cont'd INTERCOMPANY TRANSACTIONS—Cont'd Obligations of members—Cont'd Security dealers under Section 475, 13:27 proposed amendments to intercompany obliga-Separate returns, net operating losses, 10:3 tion regulations, 15:1, 15:5, 15:6, 15:8, Simplifying rules 15:9 generally, 13:39 to 13:44 special rules, 15:8, 15:11 dollar value LIFO, simplification for, 13:40 subgroups, **15:6**, **15:7**, **15:10** insurance companies, reserve accounting, 13:42 subsidiary debt held by parent's shareholder, inventory - simplification for dollar value LIFO, problems with, 15:12 13:40 tax benefit rule. 15:7 obtaining permission not to defer, 13:43 Obtaining permission not to defer, 13:43 reserve accounting, 13:41 to 13:43 Operating losses, 10:3 Section 362(e)(2), non-application of, 13:44 Own stock, acquisition by issuer of, 14:9 special status companies, reserve accounting, Parent stock, loss disallowance on, 14:19 13:41 Partnership interest, intercompany sale of, 13:31 Special status companies, 13:13, 13:41 Partnerships, 13:24, 13:51 Spin-offs, 14:16 Permission not to defer, 13:43 S's items, acceleration rule, 13:33 Postponement. Deferred intercompany transactions, State tax consequences, 13:64 Stock Proposed amendments to intercompany obligation members. Stock of members, below regulations, 15:1, 15:5, 15:6, 15:8, 15:9 Stock elimination transaction, 13:63 Purported location abuse, 13:47 Stock of members Recapitalizations, matching rule, 13:18 generally, 14:1 to 14:21 Recognition of gains or losses, 2:3 amount and basis of a property distribution, 14:5 Recomputed corresponding items, 13:5 basis of a property distribution, 14:5 Recordkeeping requirements, 13:58 boot in intercompany reorganizations, 14:8 Related party, sale to, 13:48 cash mergers, 14:15 Requisite stock basis reduction, 14:4 corporate stock repurchase excise tax, 14:10 Reserve accounting, simplifying rules, 13:41 to dealers, 14:21 13:43 distributions, generally, 14:2 to 14:7 Section 108(a), inapplicability to transactions downstream mergers, 14:13 involving intercompany obligations, special effective date for elective relief, 14:18 rules, 15:8 elective relief in certain stock transactions, gener-Section 338(h)(10) transactions, 14:14 ally, 14:11 to 14:18 Section 351, transactions under, 13:19 entitlement rule, 14:3 Section 351(a), inapplicability to transactions exclusion of intercompany dividends, 14:2 involving intercompany obligations, special hook stock, 14:7, 14:9 rules, 15:8 liquidation of subsidiary triggering intercompany Section 354, inapplicability to transactions involvitem, 14:12 ing intercompany obligations, special rules, loss disallowance on parent stock, 14:19 loss property, distributions of, 14:6 Section 355(a)(1), inapplicability to transactions manner of making election, 14:17 involving intercompany obligations, special miscellaneous issues, 14:7 rules, 15:8 own stock, acquisition by issuer of, 14:9 Section 362(e)(2), simplifying rules, 13:44 parent stock, loss disallowance on, 14:19 Section 382 and recognized built in gains, 13:25 requisite stock basis reduction, 14:4 Section 721, transactions under, 13:19 Section 338(h)(10) transactions, 14:14 Section 1031 exchanges, 13:17 spin-offs, 14:16 Section 1091, inapplicability to transactions involvtime for making election, 14:17 ing intercompany obligations, special rules, 15:8 zero basis problem, relief for, 14:20 Section 1502, regulations not under, 13:64 to 13:66 Straddles, 13:29

INTERCOMPANY TRANSACTIONS—Cont'd

Successive intercompany transactions, 13:37

Successor assets, 13:54

Successor persons, 13:55

Tax benefit rule, 15:7

Tax planning. See index heading TAX PLANNING

Time or date

deferred intercompany transactions, above

effective dates, above

holding period, matching rule, 13:9

matching rule, timing of, 13:10

stock of members, time for making election,

14:17

Transfers

general business credit, consolidated computation, 16:1

net operating losses, separate return limitation years, 10:3

tax planning, comparison with separate returns,

Treatment as separate entity defined, 13:6

Waiver of loss on intercompany obligation, 15:11

Zero basis problem, relief for, 14:20

INTEREST ON MONEY

Consolidated computations, 7:2, 7:7

Estimated tax, interest netting, 26:3

Intercompany transactions, 15:2, 15:4

Net operating losses, excess interest losses, 10:1

INTERNAL REVENUE CODE OF 1954

History of consolidated returns, 3:6

Personal holding company tax, 22:3

Role of regulations, 6:1, 6:2

INTERNATIONAL TAX EXAMPLES

Intercompany transactions, 13:30

INTRAGROUP REORGANIZATION

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:18

INTRA-MONTH ALLOCATION

Consolidated returns, 23:14

Ratable allocation election, 23:14

INVALIDITY

See index heading validity or invalidity

INVENTORY

Adjustments. See index heading inventory adjust-

Built-in losses and deductions, inventory losses, 11:2

INVENTORY—Cont'd

Intercompany transactions, 13:40

INVENTORY ADJUSTMENTS

Consolidated computations, separate taxable income computations, 7:3

Tax planning, intercompany transactions, 2:25

INVESTMENT

Adjustments

generally, 18:1 et seq.

allocation of adjustments, below

anti-avoidance, 18:15

circular basis adjustments. See index heading CIRCULAR BASIS ADJUSTMENTS

cumulative redeterminations, 18:12

distributions, 18:6

dividend-redemptions of stock held by

nonmembers, 18:10

excluded COD income, investment adjustment rules for, 18:38, 28:22

history, **18:1**

modifications to taxable income, 18:3

noncapital, nondeductible expenses, 18:5

predesessors and successors, 18:16

record-keeping requirements, 18:17

reduction of tax attributes under Section 108(B),

consolidated return regulations governing, 28:22

special definition of preferred stock, 18:14

tax allocation method, 18:11

tax-exempt income, 18:4

tax planning. See index heading TAX PLANNING

tiering up of adjustments, 18:7

varying interests, 18:13

Allocation of adjustments

tax allocation method, 18:11

to preferred and common stock, 18:8

to preferred stock, 18:9

Anti-avoidance, 18:15

Circular basis adjustments. See index heading CIRCULAR BASIS ADJUSTMENTS

Companies, affiliated group, 4:2

Credit. See index heading INVESTMENT CREDIT

Cumulative redeterminations, 18:12

Distributions, 18:6

Dividend-redemptions of stock held by nonmembers, **18:10**

Excess loss accounts. See index heading excess loss

Excluded COD income, investment adjustment rules for, 18:38, 28:22

History, **18:1**

INVESTMENT—Cont'd

Modifications to taxable income, 18:3

Negative basis

generally, 18:2

anti-avoidance, 18:15

excess loss accounts, 18:18, 18:22 to 18:25

nondeductible expenses, 18:5

special definition of preferred stock, 18:14

Noncapital, nondeductible expenses, 18:5

Predecessors and successors, 18:16

Real estate investment trusts. See index heading REAL ESTATE INVESTMENT TRUSTS

Record-keeping requirements, 18:17

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:22

Special definition of preferred stock, 18:14

Tax allocation method, 18:11

Tax-exempt income, 18:4

Tax planning. See index heading TAX PLANNING

Tiering up of adjustments, 18:7

Varying interests, 18:13

INVESTMENT CREDIT

Consolidated computations, consolidated tax liability, **7:1**

General business credit, 16:1, 16:2

Section 338 elections, recapture, 21:1, 21:2

INVOLUNTARY CONVERSIONS

Consolidated computations, themes of single entity and multiple entities, **7:4**

Section 1231 net gain or loss, 9:2

ITEMS

Tax planning, reallocation, 2:1

L

LARGE CORPORATIONS

Estimated tax, **26:1**, **26:2**

LAW, MISTAKE OF

Exercise of consolidated return privilege, 24:2

LEASES AND LEASING ACTIVITIES

Consolidated computations, consolidated taxable income, 7:2

LEGISLATIVE REGULATIONS

Exercise of consolidated return privilege, **24:1** Role of regulations, **6:1**

Section 338 elections, 21:1

LIABILITY

Net operating losses, special status losses, 10:1

LIFE INSURANCE COMPANIES

Affiliated group, 4:1, 4:2, 4:4

Consolidated computations, consolidated tax liability, **7:1**

History of consolidated returns, 3:3, 3:7, 3:8

Mutual savings banks, separate life insurance businesses, **7:1**, **22:5**

Net operating losses, separate return limitation years, 10:3

Personal holding company tax, 22:3

Special taxes and taxpayers, generally, 22:4

LIMITATIONS

Circular basis adjustments, limitation not applicable to offset of other income, 18:35

Continued consolidated filing requirement, right to shift to separate returns, 25:1

Credits. See index heading CREDITS

Deductions. See index heading DEDUCTIONS

Group structure changes, limitations on available options, 18:29

Investment. See index heading INVESTMENT

Net capital gains and losses, 9:1, 9:3

Net operating losses, 10:1 to 10:4, 10:7 to 10:9

Section 382 limitation. See index heading Section 382

Statute of limitations. See index heading STATUTE OF LIMITATIONS

Tax planning. See index heading TAX PLANNING

LIMITED LIABILITY COMPANIES (LLCs)

Generally, **29:1 to 29:20**

Check-the-box regulations, 29:1, 29:7, 29:8, 29:20

Corporations, LLCs electing to be corporations, 29:19

Dividends paid to partnership that has corporate partners, 29:16

Excess loss account (ELA), avoiding restoration, **29:6**

History, **29:1**

Intercompany sale of partnership interest, **29:12**Intercompany transaction treatment, avoiding, **29:14**

Joint and several liability, using single member LLCs to avoid, 29:7

Multi-owner subsidiary, converting to an LLC, 29:17

Partnerships with consolidated groups

generally, 29:11 to 29:20

acquisition vehicle, using a multi-member LLC as, **29:11**

LIMITED LIABILITY COMPANIES (LLCs) —Cont'd

Partnerships with consolidated groups—Cont'd corporations, LLCs electing to be corporations, 29:19

dividends paid to partnership that has corporate partners, 29:16

intercompany sale of partnership interest, **29:12** intercompany transaction treatment, avoiding, **29:14**

multi-owner subsidiary, converting to an LLC, **29:17**

Section 382 and recognized built-in gains, **29:13** Section 732(f), distribution of corporation to partner under, **29:18**

Section 1032, application to partner stock held by partnership, **29:15**

Personal holding company trap, using an LLC to avoid, 29:8

Planning opportunities using LLCs, generally, 29:1 to 29:20

Section 382 and recognized built-in gains, **29:13** Section 732(f), distribution of corporation to partner under, **29:18**

Section 1032, application to partner stock held by partnership, **29:15**

Selective consolidation, 29:3

Single member LLCs

generally, 29:2 to 29:10

excess loss account (ELA), avoiding restoration, 29:6

joint and several liability, using single member LLCs to avoid, **29:7**

personal holding company trap, using an LLC to avoid, 29:8

selective consolidation, 29:3

selective dispositions, using LLC for, 29:9

start-up costs, converting to deductible expenses, 29:5

state tax consequences, 29:10

tax-free acquisitions, 29:4

wholly owned subsidiary, converting into an LLC, 29:2

Start-up costs, converting to deductible expenses, 29:5

State tax consequences, 29:10

Tax-free acquisitions, 29:4

Wholly owned subsidiary, converting into an LLC, 29:2

LIQUIDATIONS

Consolidated computations, themes of single entity and multiple entities, **7:4**

LIQUIDATIONS—Cont'd

Earnings and profits, 20:4, 20:6

General business credit, consolidated computation, **16:1**

History of consolidated returns, 3:8

Intercompany transactions, 14:12

Partial liquidations. See index heading PARTIAL LIQUIDATIONS

Section 336(e) elections, 21:6

Section 338 elections, **21:1 to 21:5**

LONELY PARENT RULE

Intercompany transactions, 13:57

Net operating losses, separate return limitation years, 10:3

LOOK-THROUGH RULE

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:7

LOSS DISALLOWANCE ON PARENT STOCK

Intercompany transactions, 14:19

LOSSES

Built-in losses

generally, 11:1 to 11:3

for detailed treatment see index heading BUILT-IN LOSSES AND DEDUCTIONS

Capital losses. See index heading Capital Gains and Losses

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Continuity of affiliated group. See index heading CONTINUITY OF CONSOLIDATED GROUP

Deferral or postponement. See index heading Defer-RAL OR POSTPONEMENT

Disallowance of losses

investment. See index heading investment

Earnings and profits. See index heading EARNINGS AND PROFITS

Excess loss accounts. See index heading excess loss

Foreign expropriation losses. See index heading FOREIGN EXPROPRIATION LOSSES

Foreign tax credit. See index heading foreign tax

Intercompany transactions. See index heading INTERCOMPANY TRANSACTIONS

Investment. See index heading INVESTMENT

Life insurance companies, 22:4

Net losses. See index heading NET GAINS OR LOSSES

Operating losses. See index heading OPERATING

LOSSES-Cont'd

Ordinary losses, tax planning, comparison with separate returns, 2:3

Passive activity losses. See index heading Passive ACTIVITY LOSSES AND CREDITS

Restoration. See index heading RESTORATION Section 338 elections, 21:1, 21:2

Section 1231 losses. See index heading section 1231 gains and losses

Tax planning. See index heading TAX PLANNING Unified loss rule

generally, 19:1 to 19:35

for detailed treatment see index heading UNIFIED LOSS RULE

LOSS PROPERTY

Intercompany transactions, 14:6

M

MANDATORY

Carrybacks, net operating losses, 10:1

MANUFACTURER INCENTIVES

Intercompany transactions, 13:28

MATCHING RULE

Intercompany transactions generally, 13:8 to 13:30

for detailed treatment see index heading INTERCOMPANY TRANSACTIONS

MERGERS

Continuity of affiliated group, **5:2**, **5:3**Downstream mergers. See index heading DOWNSTREAM MERGERS

Net operating losses, 10:2, 10:3

METHODS

Accounting. See index heading accounting Allocation of tax or tax liability. See index heading ALLOCATION OF TAX OR TAX LIABILITY

MEXICO

Affiliated group, corporations organized in contiguous countries, **4:1**, **4:3**

Section 338 elections, Mexican corporations, 21:1

MINE EXPLORATION EXPENDITURES

Deductions, 8:3

MINERALS

Coal. See index heading COAL

MINIMUM TAX

Generally, 22:1

Index-30

MINIMUM TAX—Cont'd

Alternative minimum tax

comparison with separate returns, generally, **2:14** limitations on deductions and credits, comparison with separate returns, **2:8**

treatment of losses, comparison with separate returns, 2:3

Consolidated computations, 7:1, 22:1

Credit, 22:1

MINORITY SHAREHOLDERS

Earnings and profits. See index heading EARNINGS AND PROFITS

Section 382 limitation, 12:15

Tax planning, comparison with separate returns, 2:15

MIRROR TRANSACTIONS

Intercompany transactions, 13:59, 13:60

MISTAKES

Exercise of consolidated return privilege, 24:2, 24:3

MIXING BOWL EXAMPLES

Intercompany transactions, 13:49 to 13:52

MODEL TAX RETURNS

Generally, 30:1 to 30:7

Affiliated group previously filing separate returns basic mechanical features of initial consolidate return filing, **30:4**

forms and schedules, 30:5

Features, list of principal features, 30:2

Forms and schedules

affiliated group previously filing separate returns, 30:5

illustrated IRS forms, list of, 30:3

subsequent returns after initial consolidated filing, **30:7**

Illustrated IRS forms, list of, 30:3

Subsequent returns after initial consolidated filing forms and schedules, **30:7**

technical features commonly encountered, 30:6

MODIFICATION

See index heading change or changes

MONEY

See index heading CASH

MULTIPLE DEBTOR MEMBERS

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, **28:10**

MULTIPLE ENTITIES

Consolidated computations, themes, 7:4

MULTIPLE SURTAX EXEMPTIONS

History of consolidated returns, penalty tax on use, **3:6**

Net operating losses, 10:2, 10:3

MUTUAL INSURANCE COMPANIES

Affiliated group, **4:2**

History of consolidated returns, 3:3

Life insurance companies, special taxes and taxpayers, 22:4

Special taxes and taxpayers, generally, 22:4

MUTUAL SAVINGS BANKS

General business credit, consolidated computation, 16:1

Separate life insurance businesses, 7:1, 22:5 Special taxes and taxpayers, generally, 22:5

N

NATIONAL INDUSTRIAL RECOVERY ACT

History of consolidated returns, 3:3

NEGATIVE BASIS

Excess loss accounts, 18:18, 18:22 to 18:25

NET GAINS OR LOSSES

Capital gains and losses, 7:2, 9:1, 9:3, 9:4

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Operating losses

generally, 10:1 to 10:10

for detailed treatment see index heading NET OPERATING LOSSES

Section 1231 net gain or loss, **9:1**, **9:2**

Unrealized built-in gains and losses, net operating losses, **10:4**, **10:7**

NET OPERATING LOSSES

Generally, 10:1 to 10:10

Absorption, 10:1 to 10:3

Acquisitions, 10:1, 10:3, 10:5, 10:7, 10:9

Adjustments

application of Section 382, 10:4

tentative carryback adjustments, 10:6

Agent for group, parent as, tentative carryback adjustments, **10:6**

Aggregation, separate return limitation years, 10:3

Allocation, carrybacks and carryforwards to separate return years, **10:5**

Application of Sections 382 and 384, **10:4, 10:7**

Apportionment, 10:1, 10:4

NET OPERATING LOSSES—Cont'd

Assets, 10:1, 10:3, 10:7

Bad debt deductions, special status losses, 10:1

Banks, special status losses, 10:1

Built-in losses and deductions, 10:4, 10:7, 11:1

Carrybacks

generally, 10:1 to 10:3, 10:5, 10:6

case studies, 31:24 to 31:30, 31:39 to 31:42

general business credit, unused credits, 16:2

tentative carryback adjustments, 10:8

Carryovers

generally, 10:1 to 10:5, 10:7 to 10:9

case study, 31:30

general business credit, unused credits, 16:2

Change of ownership, 10:1, 10:3, 10:4

Closely held C corporations, separate return limitation years, 10:3

Computations

consolidated computations, below

separate return limitation years, 10:3

Consolidated computations

generally, 7:2 to 7:4

deduction, 10:1

Consolidated net operating losses, generally, **10:1**,

Consolidated return years, 10:1 to 10:6

Consolidated taxable income, separate return limitation years, **10:3**

Deductions

generally, 10:1 to 10:3, 10:5

dividends received, 8:2

Dividends

deduction, dividends received, 8:2

preferred stock dividends, 10:1

Downstream mergers, separate return years, 10:2

Dual consolidated loss, 10:10

Dual resident corporations, 10:3

Earnings and profits

tax allocation, 20:9

Effective date of overlap rule, 10:9

Elections, 10:1 to 10:4, 10:7

Estimated tax overpayment, tentative carryback adjustments, **10:6**

Excess interest losses, special status losses, 10:1

Financial institution losses, special status losses,

Foreign expropriation losses, special status losses, 10:1

General business credit, carrybacks and carryforwards of unused credits, **16:2**

History of consolidated returns, 3:8

NET OPERATING LOSSES—Cont'd

Income, 10:1 to 10:4, 10:7

Insolvency, 10:1, 10:3

Liability losses, special status losses, **10:1**

Life insurance companies, separate return limitation years, 10:3

Limitations, 10:1 to 10:4, 10:7 to 10:9

Lonely parent rule, separate return limitation years, 10:3

Mandatory carrybacks, 10:1

Mergers, 10:2, 10:3

Multiple surtax exemptions, 10:2, 10:3

Net unrealized built-in gains and losses, 10:4, 10:7

Offsets, 10:1 to 10:4, 10:7, 10:9

Offspring rule, carrybacks and carryforwards to separate return years, **10:5**

Overlap rule, 10:9, 31:31 to 31:38

Overpayment of estimated tax, tentative carryback adjustments, 10:6

Ownership change, 10:1, 10:3, 10:4

Penalties, carryforwards, 10:1

Personal service corporations, separate return limitation years, 10:3

Preferred stock dividends, 10:1

Product liability losses, special status losses, 10:1

Profits. Earnings and profits, above

Pro rata absorption of carryovers, 10:1, 10:2

Purchase of stock, 10:4

Redemption of stock, 10:4

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:24

Refunds, 10:2, 10:6

Regulations, 10:1 to 10:10

Reorganizations, 10:3 to 10:5

Revenue Act of 1928, 10:1

Revenue Act of 1976, 10:4

Reverse acquisitions, 10:3, 10:5

Reverse mergers, separate return limitation years, 10:3

Section 381, 10:3

Section 382

generally, 10:1, 10:3, 10:4, 10:9

Section 382 limitation. See index heading Section 382

Section 384, 10:1, 10:3, 10:7

Separate return limitation years (SRLYs), **10:1 to 10:5, 31:31 to 31:38**

Separate return years, 10:1 to 10:5, 10:9

Special status losses, 10:1

Subgroups, 10:4, 10:9

NET OPERATING LOSSES—Cont'd

Subsequent years, separate return limitation years, 10:3

Successors, 10:3

Taxpayers, special status losses, 10:1

Tax planning. See index heading TAX PLANNING

Tax Reform Act of 1986, 10:4

Tentative carryback adjustments, 10:8

Tentative carryback adjustments, 10:6

Thrift institution losses, special status losses, 10:1

Tort liability losses, special status losses, 10:1

Trade expansion losses, special status losses, 10:1

Transfer of assets, 10:1, 10:3

Transportation company losses, special status losses, 10:1

Unrealized built-in gains and losses, **10:4**, **10:7**Years

carrybacks and carryforwards, 10:1

consolidated return years, 10:1 to 10:6

separate return limitation years (SRLYs), 10:1 to 10:4. 10:9

separate return years, 10:1, 10:2, 10:5

NEXT DAY RULE

Consolidated returns, 23:7

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:20

988 HEDGING TRANSACTIONS

Consolidated computations, themes of single entity and multiple entities, 7:4

NOLs

Generally, 10:1 to 10:10

For detailed treatment see index heading NET OPERAT-ING LOSSES

NONINTERCOMPANY OBLIGATION, INTERCOMPANY OBLIGATION AS BECOMING

Intercompany transactions, 15:3

NONINTERCOMPANY OBLIGATION BECOMES INTERCOMPANY OBLIGATION

Intercompany transactions, **15:1, 15:3, 15:10 to 15:12**

NONMEMBERS

Exercise of consolidated return privilege, inclusion of nonmembers, **24:3**

NONRECOGNITION TRANSACTION

Intercompany transactions, 13:16

NONVOTING STOCK

Affiliated group, dual tests for affiliation, 4:6, 4:7

NORMAL CORPORATE TAX

Consolidated computations, consolidated tax liability, **7:1**

NOTICE

See index heading ADMINISTRATIVE RULES

0

OBLIGATIONS OF MEMBERS

Intercompany transactions generally, **15:1 to 15:13**

for detailed treatment see index heading INTERCOMPANY TRANSACTIONS

OFFSETS

Built-in losses and deductions, offsetting income, 11:1 to 11:3

Circular basis adjustments, limitation not applicable to offset of other income, 18:35

General business credit, consolidated computation, **16:1**

History of consolidated returns, 3:8

Net operating losses, 10:1 to 10:4, 10:7, 10:9

Section 338 elections, basic rules, 21:1

Section 1231 net gain or loss, 9:2

Tax planning. See index heading TAX PLANNING

OFFSPRING RULE

Net operating losses, carrybacks and carryforwards to separate return years, **10:5**

OIL AND GAS

Consolidated computations, themes of single entity and multiple entities, **7:4**

OLD PERSONS

Removal of architectural and transportation barriers, limitations on deductions, 2:8

OMNIBUS BUDGET RECONCILIATION ACT OF 1989

History of consolidated returns, 3:8

ONE DAY PROBLEM FOR S CORPORATIONS

Consolidated returns, 23:6

OPERATING

Losses. See index heading OPERATING LOSSES

OPERATING LOSSES

Life insurance companies, 22:4 Net operating losses generally, 10:1 to 10:10

OPERATING LOSSES—Cont'd

Net operating losses—Cont'd for detailed treatment see index heading NET OPERATING LOSSES

OPTION CASH OUTS

Consolidated returns, 23:8

OPTIONS

History of consolidated returns, optional consolidated returns, **3:1**, **3:2**Section 338, **12:25**, **21:3**

Stock options. See index heading STOCK OPTIONS

ORDERING RULES

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:5 to 28:8

ORDINARY LOSSES

Tax planning, comparison with separate returns, 2:3

OVERALL DOMESTIC LOSSES

Foreign tax credit, 17:3

OVERALL FOREIGN LOSSES

Foreign tax credit, carrybacks and carryforwards, 17:2

OVERALL LIMITATION

Foreign tax credit, 17:1

OVERLAP RULE

Built-in losses and deductions, 11:1 Net operating losses, 10:9, 31:31 to 31:38

OVERPAYMENT

See index heading ESTIMATED TAX

OWNERSHIP

Aggregation of stock ownership. See index heading AGGREGATE OR AGGREGATION

Change of ownership

continuity of affiliated group, reverse acquisitions, **5:3**

foreign tax credit, 17:2

general business credit, carrybacks and carryforwards of unused credits, **16:2**

net capital losses, 9:3

net operating losses, 10:1, 10:3, 10:4

Section 382 limitation. See index heading SECTION 382

Employee stock ownership plans. See index heading EMPLOYEE STOCK OWNERSHIP PLANS

Foreign tax credit. See index heading foreign tax CREDIT

OWNERSHIP-Cont'd

Stock

affiliated group. See index heading AFFILIATED GROUP

aggregation of stock ownership. See index heading AGGREGATE OR AGGREGATION

consolidated computations, themes of single entity and multiple entities, **7:4**

employee stock ownership plans. See index heading employee stock ownership plans
Tax planning. See index heading tax planning

OWN STOCK, ACQUISITION BY ISSUER OF

Intercompany transactions, 14:9

P

PAN-AMERICAN TRADE CORPORATIONS

History of consolidated returns, 3:4, 3:5

PARENT STOCK

Intercompany transactions, 14:19

PARTIAL LIQUIDATIONS

General business credit, consolidated computation, 16:1

History of consolidated returns, **3:8** Section 338 elections, **21:1**

PARTNERSHIPS

Affiliated group, publicly traded partnerships, **4:2** Consolidated computations, **7:7** Intercompany transactions, **13:24, 13:31** Limited liability companies. See index heading LIMITED LIABILITY COMPANIES (LLCS)

PASSIVE ACTIVITY LOSSES AND CREDITS

Consolidated computations, consolidated taxable income, 7:2

Tax planning, intercompany dividends, 2:4

PASS-THROUGH ENTITIES

Consolidated returns, 23:16

PAYMENT OR PAYMENTS

Deductions. See index heading DEDUCTIONS Estimated tax

generally, 26:1

for detailed treatment see index heading ESTIMATED TAX

Taxpayers. See index heading TAXPAYERS

PENALTIES

Consolidated computations, consolidated tax liability, **7:1**

Continued consolidated filing requirement, 25:1

PENALTIES—Cont'd

Estimated tax, 26:1, 26:2

History of consolidated returns, penalty tax on use of multiple surtax exemptions, **3:6**

Net operating losses, carryforwards, 10:1

PER-COUNTRY LIMITATION

Foreign tax credit, 17:1

PERMISSION

See index heading consent or Permission

PERSONAL HOLDING COMPANIES

Accumulated earnings tax, 22:2

Case study, determination of personal holding company status

generally, 31:13 to 31:15

adjusted ordinary gross income test, **31:15** stock ownership test, **31:14**

Limited liability companies, using an LLC to avoid personal holding company trap, 29:8

Tax. See index heading personal holding company $_{\rm TAX}$

Tax planning, comparison with separate returns, 2:18

PERSONAL HOLDING COMPANY TAX

Generally, 22:3

Consolidated computations, consolidated tax liability, **7:1**

History of consolidated returns, 3:6

PERSONAL SERVICE CORPORATIONS

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

History of consolidated returns, 3:5

Net operating losses, separate return limitation years, **10:3**

PETITIONS

Administrative rules, parent as agent for subsidiaries. 27:2

PHRASES AND WORDS

See index heading DEFINITIONS

PLANNING

Generally, 2:1 to 2:29

For detailed treatment see index heading TAX PLANNING

PLANS

Employee stock ownership plans. See index heading EMPLOYEE STOCK OWNERSHIP PLANS

Profit-sharing plans. See index heading EARNINGS AND PROFITS

POSSESSIONS

Affiliated group, United States possessions corporations. **4:2**

POSTAFFILIATION LOSSES

Affiliated group, business purpose, 4:9

POSTPONEMENT

See index heading DEFERRAL OR POSTPONEMENT

PRE-1966 REGULATIONS

See index heading REGULATIONS

PREFERRED STOCK

Affiliated group, dual tests for affiliation, **4:6, 4:7** Dividends

deductions. See index heading DEDUCTIONS net capital losses, **9:1**

net operating losses, 10:1

Investment adjustments

allocation of adjustments, **18:8**, **18:9** special definition of preferred stock, **18:14**

PRIVILEGE OF FILING CONSOLIDATED RETURNS

Corporate alternative minimum tax, 22:1

Exercise of privilege

generally, 24:1 to 24:3

for detailed treatment see index heading exercise of consolidated return privilege

History of consolidated returns, **3:3 to 3:5** Tax planning, **2:1**

PRODUCT LIABILITY LOSSES

Net operating losses, special status losses, 10:1

PROFITS

Generally, 20:1 to 20:19

For detailed treatment see index heading EARNINGS AND PROFITS

PROFIT-SHARING PLANS

See index heading Earnings and Profits

PROOF

See index heading EVIDENCE

PROPERTY

Assets. See index heading ASSETS

General business credit, consolidated computation, 16:1

Real estate investment trusts. See index heading REAL ESTATE INVESTMENT TRUSTS

Replacement property. See index heading REPLACE-MENT PROPERTY

PRO RATA ABSORPTION OF CARRYOVERS

Net operating losses, 10:1, 10:2

PUBLICLY TRADED PARTNERSHIPS

Affiliated group, includible corporations, **4:2**

PUBLIC UTILITIES

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Deductions. See index heading DEDUCTIONS

Earnings and profits, 20:9

General business credit, consolidated computation, 16:1

History of consolidated returns, **3:5, 3:6**Tax planning. See index heading TAX PLANNING

PURPORTED LOCATION ABUSE

Intercompany transactions, 13:47

PURPOSE

Business purpose, affiliated group, **4:9** Group structure changes, **18:26**

0

QSSS (QUALIFIED SUBCHAPTER S SUBSIDIARY)

Affiliated group, 4:2, 4:3

QUALIFICATION TESTS

Deductions, Western Hemisphere trade corporations, 8:4

Tax planning, comparison with single corporation, 2:26

QUALIFIED OPPORTUNITY FUNDS

Generally, 22:13

QUALIFIED SUBCHAPTER S SUBSIDIARY (QSSS)

Affiliated group, 4:2, 4:3

QUESTION OF FACT

Affiliated group, existence of affiliation, 4:4

R

RAILROAD CORPORATIONS

History of consolidated returns, 3:4

RAILROAD RETIREMENT TAX ACT

Administrative rules, 27:1

REAL ESTATE INVESTMENT TRUSTS

Affiliated group, 4:2

Consolidated computations, themes of single entity and multiple entities, **7:4**

REAL ESTATE INVESTMENT TRUSTS—Cont'd

Continuity of affiliated group, when group remains in existence, 5:2

Earnings and profits, 20:14

REALIZATION

Tax planning, treatment of gain realized from distributions. 2:11

REALLOCATION

Tax planning, income, deductions and other items, 2:1

RECAPITALIZATIONS

Intercompany transactions, 13:18

RECAPTURE

Foreign tax credit, foreign loss, **17:1, 17:2**General business credit, consolidated computation, **16:1**

Section 338 elections, 21:1, 21:2, 21:4

RECEIVED DIVIDENDS DEDUCTION

Generally, 8:2

For detailed treatment see index heading DEDUCTIONS

RECOMPUTED CORRESPONDING ITEMS

Intercompany transactions, 13:5

RECORDKEEPING REQUIREMENTS

Intercompany transactions, **13:58** Investment adjustments, **18:17**

RECORD OR RECORDS

Administrative rules, examination of returns by bona fide shareholders of record, 27:1

REDEMPTION

Stock. See index heading stock

REDUCTION

Basis. See index heading REDUCTION IN BASIS
Decline in value of assets. See index heading
DECLINE IN VALUE OF ASSETS

Investment. See index heading INVESTMENT Tax attributes

generally, 28:1 to 28:27

for detailed treatment see index heading reduction of tax attributes under Section 108(B), CONSOLIDATED RETURN REGULATIONS GOVERNING

REDUCTION IN BASIS

Continuity of affiliated group, consequences from terminating group, **5:1**

Unified loss rule. See index heading UNIFIED LOSS RULE

REDUCTION OF TAX ATTRIBUTES UNDER SECTION 108(B), CONSOLIDATED RETURN REGULATIONS GOVERNING

Generally, 28:1 to 28:27

Anti-avoidance rule, 28:3

Basis of intercompany obligations, reduction of, 28:14

Circular basis, 28:16, 28:25 to 28:27

Computations, special circular basis problems and solutions, 28:26

Consolidated attribute reduction rule, 28:8

Corresponding amendments, 28:21 to 28:24

Debtor first rule, 28:6

Departure of a member, 28:17

Effective date, 28:4

Election under Section 108(b)(5), 28:11

Example, special circular basis problems and solutions, 28:27

Excess loss accounts, 28:15, 28:23

Excluded COD income, investment adjustment rules for, 28:22

Intragroup reorganization, 28:18

Introduction, 28:1 to 28:4

Look-through rule, 28:7

Multiple debtor members, special rules, 28:10

Net operating losses, rules governing apportionment of, 28:24

Next day rule, nonapplication of, 28:20

Ordering rules, 28:5 to 28:8

Rules governing attribute reduction of a

consolidated group member, generally, 28:2

Section 1017, application of, 28:12

Section 1245, application of, **28:13**

Special circular basis problems and solutions, 28:25 to 28:27

Special rules, 28:9 to 28:20

Successor member, 28:19

REFUNDS

Administrative rules, parent as agent for subsidiaries, 27:2

History of consolidated returns, 3:8

Net operating losses, 10:2, 10:6

REGULATIONS

For related material see index heading RULES

Accumulated earnings tax, 22:2

Alternative minimum tax, **22:1**

Consent to regulations

exercise of consolidated return privilege, 24:1, 24:2

role of regulations, 6:1, 6:2

Consolidated computations, 7:1 to 7:7

REGULATIONS—Cont'd Continued consolidated filing requirement, 25:1 to	REHABILITATION OF CORPORATION Built-in losses and deductions, 11:1, 11:2
25:3 Continuity of affiliated group, 5:1 to 5:3	REINCORPORATION Section 338 elections, 21:1 to 21:5
Corporate alternative minimum tax, 22:1 Deductions. See index heading DEDUCTIONS	REITs
Estimated tax, 26:1, 26:2	See index heading real estate investment trusts
Exercise of consolidated return privilege, 24:1 to	RELATED PARTY, SALE TO
24:3	Intercompany transactions, 13:48
Financial institutions, 22:5	Section 336(e) elections, 21:6
Foreign tax credit, 17:1 , 17:2	Section 338 elections, 21:5
General business credit, 16:1, 16:2	REMOVAL OF ARCHITECTURAL AND
History of consolidated returns, 3:1 , 3:3 , 3:7 to 3:9 Legislative regulations. See index heading LEGISLA- TIVE REGULATIONS	TRANSPORTATION BARRIERS TO HANDICAPPED AND ELDERLY PERSONS
Life insurance companies, 22:4	Tax planning, limitations on deductions, 2:8
Net capital gains and losses, 9:1, 9:3, 9:4	REORGANIZATIONS
Net operating losses, 10:1 to 10:10	Continuity of affiliated group, 5:2 , 5:3
1966 regulations	Earnings and profits, internal reorganizations, 20:17
generally, 1:1	Net operating losses, 10:3 to 10:5
consolidated computations, 7:4, 7:5	Reduction of tax attributes under Section 108(B), consolidated return regulations governing,
continued consolidated filing requirement, 25:1 , 25:3	28:18
continuity of affiliated group, 5:2, 5:3	REPLACEMENT PROPERTY
history of consolidated returns, 3:7	Consolidated computations, themes of single entity
revisions, 1:2	and multiple entities, 7:4
role of regulations, 6:1 , 6:3 , 6:4	REPUDIATION
Personal holding company tax, 22:3	Consent to regulations, exercise of consolidated
Pre-1966 regulations	return privilege, 24:1
consolidated computations, consolidated tax liability, 7:1	REQUESTS
continued consolidated filing requirement, special permission to shift to separate	Administrative rules, parent as agent for subsidiaries, 27:2
returns, 25:2 continuity of affiliated group, when group	Continued consolidated filing requirement, special permission to shift to separate returns, 25:2
remains in existence, 5:2	REQUISITE STOCK BASIS REDUCTION
role of regulations, 6:3 , 6:4	Intercompany transactions, 14:4
treatment, 1:3 Role of regulations	RESERVE ACCOUNTING
generally, 6:1 to 6:4	Intercompany transactions, 13:41 to 13:43
for detailed treatment see index heading ROLE OF	RESTORATION
REGULATIONS	Consolidated computations, amounts held under
Section 336(e) elections, 21:6	claim of right, 7:4
Section 338 elections, 21:1 to 21:5	RESTRICTIONS
Section 382 limitation. See index heading SECTION 382	See index heading LIMITATIONS
Section 1231 net gain or loss, 9:2	RETURNS Administrative rules 27.1
Tax planning, 2:1 to 2:29	Administrative rules, 27:1
Treatment of pre-1966 regulations, 1:3	REVENUE ACT OF 1917
Unrelated business taxable income, 22:6	Affiliated group, affiliated status, 4:4

REVENUE ACT OF 1917—Cont'd

History of consolidated returns, 3:1

REVENUE ACT OF 1918

Generally, 1:1

Affiliated group, affiliated status, **4:4** History of consolidated returns, **3:1**

REVENUE ACT OF 1921

History of consolidated returns, 3:1, 3:2

REVENUE ACT OF 1924

History of consolidated returns, 3:2

REVENUE ACT OF 1926

History of consolidated returns, 3:2

REVENUE ACT OF 1928

Exercise of consolidated return privilege, **24:1** History of consolidated returns, **3:3** Net operating losses, **10:1** Role of regulations, **6:1, 6:2**

REVENUE ACT OF 1932

History of consolidated returns, 3:3

REVENUE ACT OF 1934

History of consolidated returns, 3:4

REVENUE ACT OF 1935

History of consolidated returns, 3:4

REVENUE ACT OF 1936

History of consolidated returns, 3:4

REVENUE ACT OF 1938

History of consolidated returns, 3:4

REVENUE ACT OF 1939

Affiliated group, 4:1

History of consolidated returns, 3:4, 3:5

REVENUE ACT OF 1942

History of consolidated returns, 3:5

REVENUE ACT OF 1943

History of consolidated returns, 3:5

REVENUE ACT OF 1950

History of consolidated returns, 3:5

REVENUE ACT OF 1951

History of consolidated returns, 3:5

REVENUE ACT OF 1964

Consolidated computations, consolidated tax liability, **7:1**

History of consolidated returns, 3:6

Index-38

REVENUE ACT OF 1969

Consolidated computations, themes of single entity and multiple entities, 7:4

REVENUE ACT OF 1971

History of consolidated returns, 3:7

REVENUE ACT OF 1976

Net operating losses, 10:4

REVENUE ACT OF 1987

Consolidated computations, themes of single entity and multiple entities, 7:4

History of consolidated returns, 3:8

Investment adjustments, 18:2

REVERSE ACQUISITIONS

Administrative rules, parent as agent for subsidiaries, 27:2

Case study, sample tax return extracts

generally, 31:16 to 31:23

estimated tax payments, schedule of, 31:23

Form 851—affiliations schedule, 31:21

Form 1120—U.S. corporation income tax return, 31:18

Form 1122—authorization and consent of subsidiary to be included in consolidated return, **31:22**

Form 7004—application for automatic extension of time to file corporation income tax return, **31:20**

illustrated forms and statements, generally, **31:17** statement regarding reverse acquisition, **31:19**

Continuity of affiliated group, 5:3

Earnings and profits, **20:15**, **20:16**

Estimated tax payments, schedule of, 31:23

Net operating losses, 10:3, 10:5

Section 338 elections, 21:1

Tax planning, comparison with separate returns, 2:12

REVERSE MERGERS

Net operating losses, separate return limitation years, 10:3

REVOCATION

Consent to regulations, exercise of consolidated return privilege, **24:1**

ROLE

Regulations. See index heading ROLE OF REGULATIONS

ROLE OF REGULATIONS

Generally, 6:1 to 6:4

1966 regulations, **6:1**, **6:3**, **6:4**

ROLE OF REGULATIONS—Cont'd S CORPORATIONS Administrative Procedure Act, validity of regula-Affiliated group, 4:2 to 4:4 tions, **6:2** Consolidated returns, 23:6 Application or applicability Continuity of affiliated group, when group remains other provisions of law, 6:4 in existence, 5:2 period of regulations, 6:3 One day problem for, 23:6 Concept of legislative regulations, **6:1** Section 338 elections, 21:2 Consent to regulations, 6:1, 6:2 **SECOND REVENUE ACT OF 1940** Delegation of power, 6:1, 6:2 Affiliated group, 4:1 Internal Revenue Code of 1954, 6:1, 6:2 History of consolidated returns, 3:5 Invalidity or validity of regulations, 6:2 Legislative regulations, concept of, **6:1** SECTION 168(k) Other provisions of law, application of, 6:4 Bonus depreciation, 22:12 Pre-1966 regulations, **6:3**, **6:4 SECTION 336(e) ELECTIONS** Revenue Act of 1928, 6:1, 6:2 Generally, 21:6 Validity or invalidity of regulations, 6:2 **SECTION 338 ELECTIONS** RULES Generally, 21:1 to 21:5 For related material see index heading REGULATIONS Acquisitions, 21:1 to 21:5 Administrative rules Adjustment to basis of assets of purchased subsidgenerally, 27:1 to 27:4 iary, 21:1 for detailed treatment see index heading Assets, 21:1 to 21:5 ADMINISTRATIVE RULES Basic rules, 21:1 Estimated tax Basis, 21:1, 21:4 generally, 26:1, 26:2 Canadian corporations, 21:1 for detailed treatment see index heading Carrybacks, 21:1 ESTIMATED TAX Carryovers, 21:1, 21:4 Reduction of tax attributes. See index heading Consistency rules, 21:1, 21:4 REDUCTION OF TAX ATTRIBUTES UNDER SECTION Constructive transactions, 21:1 to 21:4 108(B), CONSOLIDATED RETURN REGULATIONS Contingent purchase price, 21:1 GOVERNING Deemed sales, 21:1, 21:2 Section 338 elections, 21:1, 21:4 Deferral, basic rules, 21:1 Dividends, 21:4 S Exceptions, 21:2 Excess loss account, 21:1, 21:2 **SALES** Foreign corporations, 21:1 Circular basis adjustments. See index heading Gains, 21:1, 21:2 CIRCULAR BASIS ADJUSTMENTS Income recapture, 21:1, 21:2 Domestic international sales corporations. See Investment credit recapture, 21:1, 21:2 index heading domestic international sales CORPORATIONS Legislative regulations, 21:1 Installment sales. See index heading INSTALLMENT Liquidation, 21:1 to 21:5 Losses, 21:1, 21:2 Net operating losses, purchase of stock, 10:4 Mexican corporations, 21:1 Section 336(e) elections, 21:6 Modified aggregate deemed sale price formula, Section 338 elections, assets, 21:1 to 21:5 21:2 Tax planning, intercompany transactions, 2:7, 2:25 Offsets, basic rules, 21:1 Options, treatment of, 21:3 SAME TAXABLE YEAR END REQUIREMENT Partial liquidations, 21:1 Consolidated returns. 23:10 Recapture, 21:1, 21:2, 21:4 **SANCTIONS** Regulations, 21:1 to 21:5 Reincorporation, 21:1 to 21:5 See index heading PENALTIES

SECTION 338 ELECTIONS—Cont'd	SECTION 382—Cont'd
Reverse acquisitions, 21:1	The consolidated 382 limitation—Cont'd
Rules, 21:1, 21:4	consolidated group, application of Section 382
Sale of assets, 21:1 to 21:5	with respect to—Cont'd
S corporations, 21:2	end of separate tracking, 12:6
Separate returns, 21:1, 21:2	loss group defined, 12:5
Series of constructive transactions, 21:1 to 21:5	predecessor and successors, 12:10
State income tax law, 21:2	proration of change year, 12:4
Tax Equity and Fiscal Responsibility Act of 1982,	significance of loss subgroups, 12:7
21:1	continuity of business requirement, subgroup
Tax Reform Act of 1984, 21:1	Section 382 limitation, 12:16
Tax Reform Act of 1986, 21:2	corporation becoming a member of a
Technical Corrections Act of 1982, 21:2	consolidated group
Transitory affiliation and qualified stock purchases,	new loss member, 12:18
21:5	separate member determinations, 12:19
Treatment of options, 21:3	end of separate tracking, 12:6 fold in rule, 12:6
SECTION 338(H)(10) TRANSACTIONS	leaving a group or a subgroup
Intercompany transactions, 14:14	generally, 12:20 to 12:23
SECTION 351, TRANSACTIONS UNDER	allocation of limitation to member leaving the
	group, 12:20
Intercompany transactions, 13:19	allocation of NUBIG and NUBIL, 12:22
SECTION 361(b)(3)	method and timing of election, 12:23
Excess loss accounts, 18:25	subsidiary leaving a subgroup, 12:21
SECTION 362	loss group defined, 12:5
Group structure changes, 18:28	method and timing of election, 12:23
	minority stock ownership, subgroup Section 382
SECTION 381	limitation, 12:15
Net operating losses, 10:3	option rules for subsidiary stock, 12:25
SECTION 382	ownership change of a loss group or loss
Net operating losses, 10:1 , 10:3 , 10:4 , 10:9	subgroup, generally, 12:11 , 12:12
Recognized built in gains	parent change method, ownership change of a
intercompany transactions, 13:25	loss group or loss subgroup, 12:11
limited liability companies, 29:13	predecessor and successors, 12:10
The consolidated 382 limitation	proration of change year, 12:4
generally, 12:1 to 12:28	reattribution of losses, 12:27
allocation of limitation to member leaving the	regulation § 1.1502-96
group, 12:20	end of separate tracking, 12:24
allocation of NUBIG and NUBIL, 12:22	option rules for subsidiary stock, 12:25
anti-duplication rule	reattribution of losses, 12:27
application of Section 382 with respect to a	successive ownership changes, 12:26
consolidated group, 12:8	regulations §§ 1.1502-97 through 1.1502-99, 12:28
Subgroup Section 382 limitation, 12:14	
built-in gains and losses, 12:9, 12:22	separate tracking, end of, 12:24 significance of loss subgroups, 12:7
carryover of unabsorbed limitation, subgroup	structure of the regulations, 12:2
Section 382 limitation, 12:17	•
consolidated group, application of Section 382	Subgroup Section 382 limitation
with respect to	generally, 12:13 to 12:17
generally, 12:3 to 12:10	anti-duplication rule, 12:14 carryover of unabsorbed limitation, 12:17
anti-duplication rule, 12:8	
built-in gains and losses, 12:9	continuity of business requirement, 12:16

SECTION 382—Cont'd

The consolidated 382 limitation—Cont'd
Subgroup Section 382 limitation—Cont'd
minority stock ownership, 12:15
subsidiary leaving a subgroup, 12:21
successive-ownership-change rule, 12:6
successive ownership changes, 12:26
supplemental rule for certain acquisitions of subsidiary stock, ownership change of a loss
group or loss subgroup, 12:12

SECTION 384

Built-in loses and deductions, limitation on, 11:4 Net operating losses, 10:1, 10:3, 10:7

SECTION 721

Intercompany transactions, 13:19

SECTION 1017

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, **28:12**

SECTION 1031 EXCHANGES

Intercompany transactions, 13:17

SECTION 1231 GAINS AND LOSSES

Aggregation, net gain or loss, 9:2 Computations, net gain or loss, 9:2 Involuntary conversion, net gain or loss, 9:2 Net gain or loss, 9:1, 9:2 Offsets, net gain or loss, 9:2 Regulations, net gain or loss, 9:2

SECTION 1245

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, **28:13**

SECURITY DEALERS

Intercompany transactions, 13:27

SEPARATE BASIS

Estimated tax, 26:1, 26:2

SEPARATE LIFE INSURANCE BUSINESSES

Mutual savings banks, 7:1, 22:5

SEPARATE LIMITATION LOSSES

Foreign tax credit, 17:3

SEPARATE RETURN LIMITATION YEARS (SRLYs)

Built-in losses and deductions, **11:1**Net operating losses, **10:1 to 10:4, 10:9, 31:31 to 31:38**

SEPARATE RETURNS

Administrative rules, separate information returns, 27:1

Continued consolidated filing requirement, permission to shift, **25:1 to 25:3**

Model tax returns. See index heading model tax returns

Section 338 elections, **21:1, 21:2**

Shift to separate returns. See index heading SHIFT TO SEPARATE RETURNS

Tax planning. See index heading TAX PLANNING

SEPARATE RETURN YEARS

Net operating losses, 10:1 to 10:5, 10:9

SEPARATE TAXABLE INCOME

Computations, 7:2, 7:3

SEPARATE TRACKING

Section 338 limitation, 12:24

SERIES OF CONSTRUCTIVE TRANSACTIONS

Section 338 elections, **21:1 to 21:5**

SERVICES

Personal service corporations. See index heading PERSONAL SERVICE CORPORATIONS

SETOFFS

See index heading offsets

SEVERAL LIABILITY OF MEMBERS

Consolidated computations, consolidated tax liability, **7:1**

Limited liability companies, 29:7

SHAREHOLDERS

See index heading STOCKHOLDERS OR SHAREHOLDER

SHARES

See index heading stock

SHARING

See index heading Earnings and Profits

SHIFT TO SEPARATE RETURNS

Continued consolidated filing requirement, permission, **25:1 to 25:3**

SHORT PERIOD RETURNS

Consolidated returns, 23:18

SIGNATURES

Consent to regulations, exercise of consolidated return privilege, 24:1, 24:2

SIMPLIFYING RULES

Intercompany transactions generally, **13:39 to 13:44**

SIMPLIFYING RULES—Cont'd

Intercompany transactions—Cont'd for detailed treatment see index heading INTERCOMPANY TRANSACTIONS

SINGLE CORPORATION

See index heading TAX PLANNING

SINGLE ENTITY

Consolidated computations, 7:4, 7:5 General business credit, concept, 16:1

SMALL BUSINESS JOB PROTECTION ACT OF 1996

Affiliated group, S corporations, 4:2

SPECIAL CIRCULAR BASIS PROBLEMS

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:25 to 28:27

SPECIAL PERMISSION

Shift to separate returns, continued consolidated filing requirement, **25:2**

SPECIAL RULES

Earnings and profits, 20:6

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, 28:9 to 28:20

SPECIAL STATUS COMPANIES

Intercompany transactions, 13:13, 13:41

SPECIAL STATUS LOSSES

Net operating losses, 10:1

SPECIAL TAXES AND TAXPAYERS

Generally, 22:1 to 22:13

SPIN-OFFS

Consolidated computations, themes of single entity and multiple entities, **7:4**

Earnings and profits, 20:12

Excess loss accounts, inclusion events, 18:24

History of consolidated returns, 3:8

Intercompany transactions, 14:16

Tax planning, alternatives, 2:1

SRLYs (SEPARATE RETURN LIMITATION YEARS)

See index heading separate return limitation years (srlys)

S's ITEMS

Intercompany transactions, 13:33

START-UP COSTS

Limited liability companies (llcs), 29:5

STATE TAX

Intercompany transactions, **13:64** Limited liability companies, **29:10**

Section 338 elections, 21:2

Tax planning, comparison with separate returns, 2:22

STATUS

Affiliated status of affiliated group, **4:4**Net operating losses, special status losses, **10:1**

STATUTE OF LIMITATIONS

Administrative rules, 27:3

Continuity of affiliated group, reverse acquisitions, 5.2

Earnings and profits, 20:1

Waiver, 5:3, 27:3

STOCK

Common stock. See index heading common stock

Continuity of affiliated group, **5:2**, **5:3**

Disposition of stock

circular basis adjustments, dispositions of chains, 18:34

income includible in consolidated returns, continuation of group upon disposition of all subsidiaries, 23:3

In-kind distributions of stock. See index heading IN-KIND DISTRIBUTIONS OF STOCK

Intercompany transactions

generally, 14:1 to 14:21

for detailed treatment see index heading INTERCOMPANY TRANSACTIONS

Investment adjustments, allocation of adjustments, 18:8, 18:9

Options. See index heading STOCK OPTIONS

Ownership. See index heading ownership

Personal holding company status, determination of, 31:14

Preferred stock. See index heading PREFERRED STOCK Redemption of stock

investment adjustments, dividend-redemptions of stock held by nonmembers, **18:10**

net operating losses, 10:4

Tax planning. See index heading TAX PLANNING

STOCK ELIMINATION TRANSACTION

Intercompany transactions, 13:63

STOCKHOLDERS OR SHAREHOLDERS

Administrative rules, examination of returns by bona fide shareholders of record, **27:1**

STOCKHOLDERS OR SHAREHOLDERS

—Cont'd

Minority shareholders. See index heading minority Shareholders

Tax planning. See index heading TAX PLANNING

STOCK OPTIONS

Affiliated group, dual tests for affiliation, **4:7** Continuity of affiliated group, reverse acquisitions, **5:3**

STRADDLES

Intercompany transactions, 13:29

STRICT COMPLIANCE WITH REGULATIONS

Exercise of consolidated return privilege, 24:1

STRUCTURE OF GROUP

See index heading group structure changes

SUBGROUPS

Affiliated group, 4:1

Net operating losses, 10:4, 10:9

Section 382 limitation. See index heading SECTION 382

SUBSEQUENT YEARS

Affiliated group, affiliated status, 4:4

Continued consolidated filing requirement, 25:1

Net operating losses, separate return limitation years, **10:3**

Tax planning, consequences for subsequent years, 2:29

SUBSTANTIAL ADVERSE EFFECT

Continued consolidated filing requirement, permission to shift to separate returns, **25:2**, **25:3**

SUCCESSIVE INTERCOMPANY TRANSACTIONS

Intercompany transactions, 13:37

SUCCESSOR ASSETS

Intercompany transactions, 13:54

SUCCESSOR MEMBER

Reduction of tax attributes under Section 108(B), consolidated return regulations governing, **28:19**

SUCCESSOR PERSONS

Intercompany transactions, 13:55

SUCCESSORS

Investment adjustments, **18:16**Net operating losses, **10:3**Section 338 limitation, **12:10**

SURTAX

Built-in losses and deductions, surtax exemptions, 11:2

Consolidated computations, consolidated tax liability, **7:1**

History of consolidated returns. See index heading HISTORY OF CONSOLIDATED RETURNS

Multiple surtax exemptions. See index heading MULTIPLE SURTAX EXEMPTIONS

T

TAMRA

See index heading technical and miscellaneous revenue act of 1988

TAXABLE INCOME

Consolidated computations. See index heading CONSOLIDATED COMPUTATIONS

Consolidated taxable income. See index heading CONSOLIDATED TAXABLE INCOME

Deductions, 8:1 to 8:4

Investment adjustments, modifications to taxable income, 18:3

Separate taxable income. See index heading SEPA-RATE TAXABLE INCOME

Unrelated business taxable income, 22:6

TAXABLE YEAR

Continuity of affiliated group, **5:1 to 5:3** Estimated tax, **26:1**, **26:2**

TAX BENEFIT RULE

Intercompany transactions, 15:7

TAX COURT PROCEEDINGS

Administrative rules, parent as agent for subsidiaries, 27:2

TAX CUTS AND JOBS ACT

Generally, 10:1, 17:1, 22:1, 22:4, 22:8 to 22:13

TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Affiliated group, affiliated status, **4:4**Corporate alternative minimum tax, **22:1**History of consolidated returns, **3:8**Section 338 elections, **21:1**

TAX EXEMPT

Corporations, affiliated group, **4:2** Investment adjustments, tax-exempt income, **18:4**

TAXPAYERS

Consolidated computations, elections, **7:6**Net operating losses, special status losses, **10:1**

TAXPAYERS—Cont'd TAX PLANNING—Cont'd Special taxpayers, 22:1 to 22:13 Basis adjustments TAX PLANNING intercompany dividends, comparison with sep-Generally, **2:1 to 2:29** arate returns, 2:4 Accounting periods, comparison with separate investment adjustments, comparison with sepreturns, 2:9 arate returns, 2:5 Acquisition or acquisitions characteristics after intercompany transfers, application of reverse acquisition rules, comparison with separate returns, 2:7 comparison with separate returns, 2:12 consequences for subsequent years, 2:29 consequences for subsequent years, 2:29 Capital gains and losses, comparison with separate stock acquisitions, alternatives, 2:1 returns, 2:3 treatment of losses and credits, comparison with Carrybacks, treatment of losses, 2:3 single corporation, 2:24 Carryovers Adjustment or adjustments separate returns, comparison with, 2:3 basis, below single corporation, comparison with, 2:24 inventory adjustments, intercompany transac-Characteristics after intercompany transfers, tions, 2:25 comparison with separate returns, 2:7 investment adjustments, below Charitable contributions, limitations on deductions Administration and credits, 2:8 effect on corporate administration, comparison with separate returns, 2:21 Closely held group of C corporations, intercompany dividends, 2:4 relation to state tax administration, comparison with separate returns, 2:22 Comparison Affiliated group, 2:1 to 2:29 separate returns, 2:2 to 2:22 Aggregation of stock ownership, comparison with single corporation, 2:23 to 2:28 separate returns, 2:17 Consequences for subsequent years, 2:29 Allocation of tax Consistent or consistency minority shareholders in subsidiaries, accounting periods, comparison with separate comparison with separate returns, 2:15 returns, 2:9 public utilities, comparison with separate returns, elections, comparison with separate returns, 2:10 2:16 treatment, comparison with single corporation, Alternative minimum tax comparison with separate returns, generally, 2:14 Consolidated tax allocation by public utilities, limitations on deductions and credits, comparison comparison with separate returns, 2:16 with separate returns, 2:8 Contributions treatment of losses, comparison with separate charitable contributions, limitations on deducreturns, 2:3 tions and credits. 2:8 Alternatives, 2:1 profit-sharing plan contributions, comparison Application of reverse acquisition rules. with separate returns, 2:19 comparison with separate returns, 2:12 Credits allocation of consolidated tax by utilities, application of reverse acquisition rules, comparison with separate returns, 2:16 comparison with separate returns, 2:12 comparison with separate returns, generally, 2:3 characteristics after intercompany transfers, foreign tax credit, comparison with separate comparison with separate returns, 2:7 returns, 2:8, 2:13 intercompany transactions, comparison with limitations single corporation, 2:25 separate returns, comparison with, 2:8 single corporation comparison, 2:23 treatment of losses and credits, comparison with single corporation, comparison with, 2:24 single corporation, 2:24 treatment, comparison with single corporation,

2:24

At-risk rules, treatment of losses, 2:3

alternatives. 2:1

returns, 2:10

consequences for subsequent years, 2:29

consistent elections, comparison with separate

TAX PLANNING—Cont'd TAX PLANNING—Cont'd Deductions Elections—Cont'd deemed dividend election, comparison with sepacharacteristics after intercompany transfers, comparison with separate returns, 2:7 rate returns, 2:4 Employment taxes, comparison with single dividends, alternatives, 2:1 corporation, 2:28 limitations, comparison with separate returns, 2:8 Estimated tax payments, limitations on deductions reallocation, alternatives, 2:1 and credits, 2:8 treatment of losses, comparison with separate Exempt organizations, comparison with separate returns, 2:3 returns, 2:20 Deemed dividend election, comparison with sepa-Exercise of consolidated return privilege, alternarate returns, 2:4 tives, 2:1 Deferral or postponement Foreign corporations gains or losses, comparison with separate returns, inclusion, comparison with separate returns, 2:13 intercompany dividends, comparison with sepaintercompany transactions, comparison with rate returns. 2:4 single corporation, 2:25 Foreign tax credit, comparison with separate recognition of intercompany losses, comparison returns, 2:8, 2:13 with separate returns, 2:3 Gains treatment of gain realized from distributions, characteristics after intercompany transfers, comparison with separate returns, 2:11 comparison with separate returns, 2:7 Distributions comparison with separate returns, generally, 2:3 intercompany dividends, comparison with sepaconsequences for subsequent years, 2:29 rate returns, 2:4 postponement of intercompany gains, treatment of gain realized from distributions, comparison with separate returns, 2:6 comparison with separate returns, 2:11 treatment of gain realized from distributions, Dividends comparison with separate returns, 2:11 deduction of dividends, alternatives, 2:1 General business credit limitations, comparison intercompany dividends, comparison with sepawith separate returns, 2:8 rate returns, 2:4 Inclusion of foreign corporations, comparison with limitations on deductions, comparison with sepaseparate returns, 2:13 rate returns, 2:8 Income Dual resident corporations reallocation, alternatives, 2:1 consequences for subsequent years, 2:29 treatment of losses, comparison with separate treatment of losses, comparison with separate returns, 2:3 returns, 2:3 Installment sales, characteristics after intercompany Earnings and profits transfers, 2:7 contributions to profit-sharing plan, comparison Intercompany with separate returns, 2:19 dividends, comparison with separate returns, 2:4 intercompany dividends, comparison with sepatransactions. Intercompany transactions, below rate returns, 2:4 Intercompany transactions postponement of intercompany gains, characteristics after intercompany transfers, comparison with separate returns, 2:6 comparison with separate returns, 2:7 treatment of losses, comparison with separate consequences for subsequent years, 2:29 returns, 2:3 postponement of intercompany gains, Effect on corporate administration, comparison comparison with separate returns, 2:6 with separate returns, 2:21 sales, 2:7, 2:25 Elections single corporation, comparison with, 2:25

treatment of losses, comparison with separate

Inventory adjustments, intercompany transactions,

returns, 2:3

2:25

TAX PLANNING—Cont'd

Investment adjustments Personal holding company classification, comparison with separate returns, 2:18 comparison with separate returns, 2:3, 2:5 Postponement. Deferral or postponement, above consequences for subsequent years, 2:29 Preferred stock of public utilities, limitations on treatment of losses, comparison with separate dividends paid deduction, 2:8 returns, 2:3 Privilege of filing consolidated returns, 2:1 Limitations Profits. Earnings and profits, above credits, above Public utilities deductions, comparison with separate returns, allocation of consolidated tax, 2:16 preferred stock of public utilities, limitations on losses, comparison with single corporation, 2:24 dividends paid deduction, 2:8 Limited liability companies generally, 29:1 to 29:20 Qualification tests, comparison with single corporation, 2:26 for detailed treatment see index heading LIMITED Reallocation of income, deductions and other items. LIABILITY COMPANIES (LLCS) alternatives, 2:1 Losses Recognition of intercompany losses postponed, allocation of consolidated tax by utilities, comparison with separate returns, 2:3 comparison with separate returns, 2:16 Regulations, 2:1 to 2:29 characteristics after intercompany transfers, Relation to state tax administration, comparison comparison with separate returns, 2:7 with separate returns, 2:22 consequences for subsequent years, 2:29 Removal of architectural and transportation barriers net operating losses, below to handicapped and elderly persons, limitations passive activity losses, intercompany dividends, on deductions, 2:8 Reverse acquisition rules, comparison with separate postponement of intercompany gains, returns, **2:12** comparison with separate returns, 2:6 Sales, intercompany transactions, 2:7, 2:25 Separate returns separate returns, comparison with, 2:3 alternatives, 2:1 single corporation, comparison with, 2:24 comparison, 2:2 to 2:22 Minority shareholders in subsidiaries, comparison consequences for subsequent years, 2:29 with separate returns, 2:15 Setoffs. Offsets, above Miscellaneous considerations, comparison with Shareholders. Stockholders or shareholders, below single corporation, 2:28 Single corporation Net operating losses alternatives, 2:1 separate returns, comparison with, 2:3, 2:8 comparison, 2:23 to 2:28 single corporation, comparison with, 2:24 Spinoffs, alternatives, 2:1 Offsets State tax administration, comparison with separate minority shareholders in subsidiaries, returns, 2:22 comparison with separate returns, 2:15 Stock passive activity losses, intercompany dividends, acquisitions, alternatives, 2:1 aggregation of stock ownership, comparison with treatment of losses, comparison with separate separate returns, 2:17 returns, 2:3 Ordinary losses, comparison with separate returns, application of reverse acquisition rules, 2:3 comparison with separate returns, 2:12 Ownership intercompany dividends, comparison with sepaaggregation of stock ownership, comparison with rate returns, 2:4 separate returns, 2:17 investment adjustments, comparison with sepaapplication of reverse acquisition rules, rate returns, 2:5 comparison with separate returns, 2:12 preferred stock of public utilities, limitations on Passive activity losses, intercompany dividends, 2:4 dividends paid deduction, 2:8

TAX PLANNING—Cont'd

TAX PLANNING—Cont'd

Stock—Cont'd

treatment of gain realized from distributions, comparison with separate returns, 2:11 treatment of losses, comparison with separate returns, 2:3

Stockholders or shareholders

allocation of consolidated tax by utilities, comparison with separate returns, **2:16** minority shareholders in subsidiaries, comparison with separate returns, **2:15**

spinoffs, alternatives, **2:1**

Subsequent years, consequences for, **2:29**Termination of affiliated group, consequences for subsequent years, **2:29**

Tests

application of reverse acquisition rules, comparison with separate returns, **2:12** qualification tests, comparison with single corporation, **2:26**

Time

consistent accounting periods, comparison with separate returns, **2:9**

deferral or postponement, above subsequent years, consequences for, **2:29**

Transactions. Intercompany transactions, above Treatment

consistency of treatment, comparison with single corporation, 2:27

credits, comparison with single corporation, **2:24** gain realized from distributions, comparison with separate returns, **2:11**

losses, above

TAX REFORM ACT OF 1969

Affiliated group, 4:2

Corporate alternative minimum tax, 22:1
Deductions, mine exploration expenditures, 8:3
History of consolidated returns, 3:7
Investment adjustments, 18:2
Net capital losses, 9:3
Unrelated business taxable income, 22:6

TAX REFORM ACT OF 1976

Corporate alternative minimum tax, **22:1** History of consolidated returns, **3:8**

TAX REFORM ACT OF 1984

Affiliated group, **4:5**, **4:6**Consolidated computations, **7:4**, **7:5**History of consolidated returns, **3:8**Section 338 elections, **21:1**

TAX REFORM ACT OF 1986

Affiliated group, **4:2, 4:3, 4:5**

Alternative minimum tax, 22:1

Consolidated computations, 7:2, 7:4, 7:5

Foreign tax credit, consolidated computations, 17:1

General business credit, 16:1, 16:2

History of consolidated returns, 3:8

Net operating losses, **10:4**

Section 338 elections, 21:2

TAX YEAR CONSIDERATIONS

Consolidated returns, 23:1

TECHNICAL AND MISCELLANEOUS REVENUE ACT OF 1988

History of consolidated returns, 3:8

TECHNICAL CORRECTIONS ACT OF 1982

History of consolidated returns, **3:8** Section 338 elections, **21:2**

TEFRA

See index heading TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

TENTATIVE CARRYBACK ADJUSTMENTS

Net operating losses, 10:6

TERMINATION

Administrative rules, parent as agent for subsidiaries, 27:2

Affiliated group. See index heading AFFILIATED GROUP

TESTS

Affiliated group, 4:5 to 4:8

Continued consolidated filing requirement, special permission to shift to separate returns, **25:2**

Continuity of affiliated group, when group remains in existence, 5:2

Personal holding company tax, 22:3

Qualification tests. See index heading QUALIFICATION TESTS

Tax planning. See index heading TAX PLANNING

THRIFT INSTITUTIONS

Earnings and profits, 20:13

Net operating losses, special status losses, 10:1

TIERING UP

Earnings and profits, **20:2**, **20:3**, **20:6**, **20:15**, **20:16** Investment adjustments, **18:7**

TIMBER

Consolidated computations, themes of single entity and multiple entities, **7:4**

TIME OR TIMING

Accounting period. See index heading ACCOUNTING
Deferral or postponement. See index heading DEFERRAL OR POSTPONEMENT

Effective date. See index heading EFFECTIVE DATE Exercise of consolidated return privilege, filing return, 24:1

Income includible in consolidated returns. See index heading INCOME INCLUDIBLE IN CONSOLIDATED RETURNS

Intercompany transactions. See index heading INTERCOMPANY TRANSACTIONS

Investment. See index heading investment
Postponement. See index heading deferral or
POSTPONEMENT

Role of regulations, applicable period of regulations, **6:3**

Statute of limitations. See index heading STATUTE OF LIMITATIONS

Tax planning. See index heading TAX PLANNING Year or years. See index heading YEAR OR YEARS

TONNAGE TAX

Special taxes and taxpayers, 22:7

TORT LIABILITY LOSSES

Net operating losses, special status losses, 10:1

TRADE

Corporations. See index heading TRADE CORPORATIONS Expansion losses, net operating losses, **10:1** Publicly traded partnerships, affiliated group, **4:2**

TRADE CORPORATIONS

China Trade Act corporations. See index heading China Trade act corporations

Pan-American trade corporations, history of consolidated returns, **3:4, 3:5**

Western Hemisphere trade corporations. See index heading western Hemisphere trade corporations

TRANSACTIONS

Continuity of affiliated group, 5:2, 5:3

Earnings and profits. See index heading Earnings AND PROFITS

Investment. See index heading INVESTMENT

TRANSFERS

Net operating losses, assets, **10:1**, **10:3**Tax planning, characteristics after intercompany transfers. **2:7**

TRANSITION TAX UNDER SECTION 965

Special taxes and taxpayers, 22:8

TRANSPORTATION

Net operating losses of transportation companies, 10:1

Tax planning, removal of transportation barriers to handicapped and elderly persons, **2:8**

TREATMENT

Investment. See index heading INVESTMENT Pre-1966 regulations, **1:3** Section 338 elections, options, **21:3** Tax planning. See index heading TAX PLANNING

TRUSTS

Affiliated group. See index heading Affiliated Group Real estate investment trusts. See index heading REAL ESTATE INVESTMENT TRUSTS

U

UNDERPAYMENT

Estimated tax, computation of penalties, 26:2, 26:3

UNIFIED LOSS RULE

Generally, 19:1 to 19:36

Anti-abuse rule under Regulation section 1.1502-36(g), **19:35**

Definitions under Regulation section 1.1502-36(f), 19:34

Final Regulation section 1.502-36, generally, **19:1** Global Intangible Low-Taxed Income (GILTI), **19:36**

Intercompany transaction, subsidiary stock transferred in an, 19:31

Operating rules

generally, 19:29 to 19:33

elections—form and content, 19:33

prior transactions that altered the relationship between stock basis and other attributes, 19:30

subsidiary liquidations, 19:32

subsidiary stock transferred in an intercompany transaction, **19:31**

successors and predecessors, 19:29

Paragraph (b) basis redetermination rules

generally, 19:2 to 19:5

effective application of paragraph (b) basis determination, **19:4**

mechanics of application, 19:3

prior-use limitation, 19:5

purpose and application, 19:2

Paragraph (c) basis reduction rules

generally, 19:6 to 19:12

"disconformity amount," 19:9

UNIFIED LOSS RULE—Cont'd Paragraph (c) basis reduction rules—Cont'd formula, application of basis reduction formula, lower-tier subsidiaries, special rules for, 19:11 mechanics of application, generally, 19:8 to "net positive adjustment," 19:8 netting rule, 19:12 purpose and applicability, 19:6 Paragraph (d) attribute reduction rules generally, 19:13 to 19:28 attribute reduction amount (ARA)

Category A, B, and C attributes, allocating the portion of ARA not used to reduce, 19:18

determining net inside attribution amount and attribute reduction amount, 19:17

stock owned in a lower-tier subsidiary, allocating the ARA to individual shares of stock, 19:19

tiering down the ARA allocated to shares in lower-tier subsidiaries, 19:20

"conforming limitation on reduction of lowertier subsidiary attributes" rule, 19:21

elections to reduce potential for loss duplication ("(d)(6) election")

generally, 19:23 to 19:28

limits on reattribution. 19:25

planning considerations, 19:27

timing and order of application, 19:26

worthless stock deductions, 19:28

lower-tier subsidiaries, special rule for subsidiaries with, 19:16

mechanics and application, 19:14

purpose and applicability, 19:13

"stock basis restoration" rule, 19:22

timing of attribute reduction, 19:15

Prior transactions that altered the relationship between stock basis and other attributes. 19:30

Subsidiary liquidations, 19:32

Subsidiary that owns a CFC, 19:36

Successors and predecessors, 19:29

Worthless stock deductions, Paragraph (d) attribute reduction rules, 19:28

UNINCORPORATED ASSOCIATIONS

Affiliated group, **4:1, 4:2**

UNITED STATES POSSESSIONS **CORPORATIONS**

Affiliated group, **4:2**

UNREALIZED BUILT-IN GAINS AND LOSSES

Net operating losses, 10:4, 10:7 Section 382 limitation, 12:22

UNRELATED BUSINESS TAXABLE INCOME

Generally, 22:6

UNUSED CREDITS

Foreign tax credit, carrybacks and carryforwards,

General business credit, carrybacks and carryforwards, 16:2

UPSTREAM MERGERS

Continuity of affiliated group, when group remains in existence, 5:2

USE

History of consolidated returns, penalty tax on use of multiple surtax exemptions, 3:6

UTILITIES

See index heading PUBLIC UTILITIES

VALIDITY OR INVALIDITY

Continued consolidated filing requirement, 25:1 Regulations, 6:2

VALUE

Affiliated group, dual tests for affiliation, **4:5 to 4:7** Decline in value of assets. See index heading DECLINE IN VALUE OF ASSETS

VIRGIN ISLANDS ORGANIC ACT

Affiliated group, United States possessions corporations, 4:2

VOTING POWER

Affiliated group, dual tests for affiliation, 4:5, 4:6, 4:8

W

WAITING PERIOD

Affiliated group, consolidation after deconsolidation, 4:4

WAIVER

Intercompany transactions, 15:11 Statute of limitations, 5:2, 27:3

Waiting period, consolidation after deconsolidation,

WESTERN HEMISPHERE TRADE **CORPORATIONS**

Deductions, 8:4

WESTERN HEMISPHERE TRADE CORPORATIONS—Cont'd

History of consolidated returns, 3:5, 3:6, 3:8

WITHDRAWAL OF RETURN

Exercise of consolidated return privilege, 24:1

WORDS AND PHRASES

Affiliated group, 4:1

Built-in deduction, 11:2

Built-in loss, 11:1

Consolidated income tax return, 1:1

Excess loss accounts, 18:18

Includible corporation, **4:2**

Intercompany obligation, 15:2

Marketable securities, 11:2

Preferred stock. 18:14

Tax-exempt income, 18:4

Unified loss rule, Regulation section 1.1502-36(f), 19:34

WORK INCENTIVE PROGRAM CREDIT

General business credit, consolidated computation, 16:1

Y

YEAR OR YEARS

Consolidated return years. See index heading CONSOLIDATED RETURN YEARS

Net operating losses. See index heading NET OPERAT-ING LOSSES

Subsequent years. See index heading subsequent YEARS

Taxable year. See index heading TAXABLE YEAR

 \mathbf{Z}

ZERO BASIS PROBLEM

Intercompany transactions, 14:20