



October 11, 2019

# IRS Releases Priority Guidance Plan

On Oct. 8, the Treasury Department and the Internal Revenue Service (IRS) released the agency's Priority Guidance Plan (PGP), which serves as a blueprint for forthcoming regulatory guidance from the agency between July 1, 2019, and June 30, 2020.

In addition to prioritizing the *Tax Cuts and Jobs Act* (P.L.115-97), the IRS will also focus on the recently enacted *Taxpayer First Act* (P.L.116-025) and on deregulatory policies described in Executive Order 13789 (82 FR 19317).

The 2019-2020 PGP contains 203 guidance projects, of which 31 items have already been released. Below are select items from the 2010-2020 PGP. A full copy of the plan is attached and can be accessed [here](#).

## Tax Cuts and Jobs Act (P.L.115-97)

### Final Regulations

IRC Section	About	Actions to Date
§59A	Base-erosion and anti-abuse tax	Dec. 21, 2018 (Proposed Regulations)
§168(k)		Aug. 8, 2018 (Proposed Regulations)
§245A, §1248(j), §1248(k) and §91	Participation exemption system for the taxation of foreign source income	June 18, 2019 (Temporary and Proposed Regulations)
§250	The deduction for foreign-derived intangible income and global intangible low-taxed income	March 6, 2019 (Proposed Regulations)
§267A	Certain related-party amounts paid or accrued in hybrid transactions or by or to hybrid entities	Dec. 28, 2018 (Proposed Regulations)
§864(c)(8) and §1446(f)	The treatment of gain or loss of foreign persons from the sale or exchange of an interest in a partnership that is engaged in a trade or business within the U.S.	May 13, 2019 (Proposed Regulations) [§1446(f)]  Dec. 27, 2018 (Proposed Regulations) [§864(c)(8)]
§901 and §960	Certain foreign tax credit issues arising under the TCJA, including §78, §861, §904 and §905	Dec. 7, 2018 (Proposed Regulations)
§951A	The inclusion of global intangible low-taxed income by U.S. shareholders	Sept. 9, 2019 (Notice 2019-46) June 21, 2018 (Proposed Regulations)
§2010	The computation of the estate tax in the event of a difference between the basic exclusion amount applicable to gifts and that applicable at the donor's date of death	Nov. 23, 2018 (Proposed Regulations)
§4968	The excise tax on net investment income of certain private colleges and universities, as added by Section 13701 of the TCJA	July 3, 2019 (Proposed Regulations)

## Proposed Regulations

IRC Section	About	Actions to Date
§36B and §6011	Given the enactment of §151(d)(5)	
§42	Low-income housing credit average income test	
§47	The rehabilitation credit	
§172	Computing the net operating loss deduction to reflect changes made by the TCJA	
§1.61-21(d) and §1.61-21(e)	Maximum vehicle values, reflecting amendments made to §280F by Sections 11002 and 13202 of the TCJA	Aug. 23, 2019 (REG-101378-19)
§67(b) and §67(e)	Clarifying the deductibility of certain expenses that are incurred by estates and non-grantor trusts	July 30, 2018 (Notice 2018-61)
§101, §1016 and §6050Y	Reportable policy sales of life insurance contracts	May 14, 2018 (Notice 2018-41)
		March 25, 2019 (Proposed Regulations)
§152(d)	The definition of "qualifying relative"	
§162(m)	As amended by Section 13601 of the TCJA	
§162(f) and §6050X		
§162, §164 and §170		
§163(j)	Computational, definitional and other guidance	Dec. 28, 2018 (Proposed Regulations)
		Dec. 10, 2018 (Rev. Proc. 2018-59)
		Aug. 27, 2018 (Notice 2018-64)
§164	State and local deduction cap	
§168(f)(2) and §168(i)(9)	Excess deferred income taxes and public utility companies	May 28, 2019 (Notice 2019-33)
§199A and	Cooperatives and their patrons	July 29, 2019 (Notice 2019-27)
		June 19, 2019 (Proposed Regulations)
§263A, §448, §460, §471	Reflect TCJA changes affecting small businesses	
§274	Concerning meal expenses	
§274	Concerning qualified transportation fringes, including the application of §512(a)(7)	
§367 and §482	Addressing the changes to §367(d) and §482	Sept. 16, 2015 (Temporary and Proposed Regulations)
§382(h)(6)		Sept. 10, 2019 (REG-125710-18)
§402(c)(3)(C)	Qualified Plan Loan Offset Amounts, as added by Section 13613 of the TCJA	
§451(b) and §451(c)		Sept. 23, 2019 (Rev. Proc. 2019-37)
		Sept. 9, 2019 (REG-104870-18) [451(b) NPRM] (REG-104554-18) [451(c) NPRM]
		July 15, 2019 (TD 9870) [\$1.451-5 Removal]
§512(a)(6)	Computation of unrelated business taxable income for separate trades or businesses, as added by Section 13702 of the TCJA	
§529A	Increased contribution limit, as amended by Section 11024 of the TCJA; final regulations on Qualified ABLE Programs, as added by Section 102 of the ABLE Act of 2014	June 22, 2015 (Proposed Regulations)
§704(d)	Charitable contributions and foreign taxes in determining limitation on allowance of partner's share of loss	
§807	Determination of life insurance reserves for life insurance and annuity contracts, including guidance to implement changes under Section 13517 of the TCJA	Aug. 26, 2019 (Rev. Proc. 2019-34)

§846	Revenue procedure providing guidance for an insurance company to obtain automatic consent to change its method of accounting, as amended by Section 13523 of the TCJA	Aug. 12, 2019 (Rev. Proc. 2019-30)
§863(b), §865(e)(2)	The source of sales of personal property	
§951A	Modifications to subpart F, including coordination with the enactment of §951A, the repeal of §958(b)(4) and the modification of §951(b)	Sept. 9, 2019 (Notice 2019-46)
		June 21, 2019 (Proposed Regulations)
§959 and §961	Concerning previously taxed earnings and profits under subpart F	Jan. 7, 2019 (Notice 2019-01)
§1031	Concerning the definition of “real property”	
§1061	Addressing partnership interest held in connection with the performance of services	
§1295, §1297, §1298	Addressing when foreign insurance income is excluded from passive income under §1297(f)	
§1371(f)	The treatment of earnings and profits in the after post-termination transition period when an entity converts from an S corporation to a C corporation	
§1400z-1 and §1400z-2	Opportunity Zones	May 1, 2019 (Proposed Regulations)
		Oct. 29, 2018 (Proposed Regulations)
§1502, §1.1502-21(b) and §1.1502-47	Absorption of consolidated net operating losses and consolidated group computations under multiple TCJA provisions	
§3402 and §3405	Withholding as a result of the amendments made by Sections 11001 and 11041 of the TCJA	
§4261	Aircraft management services	
§4960	As added by Section 13602 of the TCJA	
	Revenue procedure to update the standard mileage rate procedures to reflect changes made by the TCJA	
	Revenue procedure to update the per diem procedures in Rev. Proc. 2011-47 to reflect changes made by the TCJA	

### Completed Regulations

IRC Section	About	Actions to Date
§199A and §643(f)	Computational, definitional and anti-avoidance rules	Oct. 15, 2019 (Rev. Proc. 2019-38)
		Feb. 25, 2019 (Notice 2019-07)
		Feb. 8, 2019 (Final Regulations)

### Taxpayer First Act (P.L.116-25)

#### Proposed Regulations

IRC Section	About
§3101	New electronic filing requirements for exempt organization returns
§6011	
§6311	Payment of taxes by debit and credit cards
§6402(n)	Misdirected tax refund deposits
	Independent Office of Appeals
	Uniform standards for the use of electronic signatures
	Obsolete Revenue Ruling 2004-53

## General Guidance: Executive Compensation, Health Care and Other Benefits and Employment Taxes

### Final Regulations

IRC Section	About	Actions to Date
§512	How to compute unrelated business taxable income of voluntary employees' beneficiary associations	Feb. 6, 2014 (Proposed Regulations)

### Proposed Regulations

IRC Section	About	Actions to Date
§119 and §132	Employer-provided meals	
§125	HSAs	Aug. 5, 2019 (Notice 2019-45)
§409A	Income inclusion and various other issues	June 22, 2016 (Proposed Regulations)  Dec. 8, 2008 (Proposed Regulations)
§419A and §501(c)(9)	Welfare benefit funds, including voluntary beneficiary associations	
§457(f)	Ineligible plans	June 22, 2016 (Proposed Regulations)
	Contributions to and benefits from paid family and medical leave programs	
	Updating Rev. Procs. 2016-33 and 2017-14 regarding procedures for Certified Professional Employer Organizations	
§4980I	Excise tax on high cost employer-provided coverage	
§7436		

## General Guidance: Tax Administration

### Final Regulations

IRC Section	About	Actions to Date
	Electronic reporting under PPACA Section 9010	Dec. 9, 2016 (Proposed Regulations)
§6051 and §6052	Truncated taxpayer identification numbers	July 3, 2019 (TD 9861) Sept. 20, 2017 (Proposed Regulations)
	Final regulations under Section 2006 of the Fixing America's Surface Transportation Act of 2015 regarding due dates and extensions for certain forms	July 20, 2017 (Temporary and Proposed Regulations)
	Final regulations on safe harbors for de minimis errors on information returns and payee statements under Section 202 of the Protecting Americans from Tax Hikes Act of 2015	Oct. 17, 2018 (Proposed Regulations)

### Proposed Regulations

IRC Section	About	Actions to Date
	Update to Notice 2011-26 regarding forms required to be e-filed	
§6045	Information reporting on virtual currency under	
§6212	Last known address for business taxpayers	
	Updated Revenue Ruling 71-533	
§7123	Revenue procedures concerning alternative dispute resolution	
	Regulations updating the offer in compromise user fee	
	Regulations updating the PTIN user fee	

**Projects Included in the 2019-2020 PGP**

1. Implementation of the *Tax Cuts and Jobs Act*
2. Executive Order 13789- Identifying and Reducing Regulatory Burdens
3. Burden Reduction
4. *Taxpayer First Act* Guidance
5. *Bipartisan Budget Act of 2015*—Partnership Audit Regulations
6. General Guidance
  - a. Consolidated returns
  - b. Corporations and their shareholders
  - c. Employee Benefits
    - i. Retirement benefits
    - ii. Executive compensation, health care, and other benefits, and employment taxes
    - iii. Excise tax
    - iv. Exempt organizations
    - v. Financial institutions and products
    - vi. General tax issues
    - vii. Gifts and estates and trusts
    - viii. Insurance companies and products
    - ix. International
      1. Subpart F/Deferral
      2. Inbound transactions
      3. Outbound transactions
      4. Foreign tax credits
      5. transfer pricing
      6. Sourcing and expense allocation
    - x. Partnerships
    - xi. Tax accounting
    - xii. Tax administration
    - xiii. Tax-exempt bonds

# Brownstein Hyatt Farber Schreck

**Harold Hancock**

Shareholder

[hhancock@bhfs.com](mailto:hhancock@bhfs.com)

202.383.4422

**Michael P. Marn**

Policy Assistant

[mmarn@bhfs.com](mailto:mmarn@bhfs.com)

202.652.2355

**Rosemary Becchi**

Strategic Advisor and Counsel

[rbecchi@bhfs.com](mailto:rbecchi@bhfs.com)

202.383.4421

**Russell W. Sullivan**

Shareholder

[rsullivan@bhfs.com](mailto:rsullivan@bhfs.com)

202.383.4423

**Charlie A. Iovino**

Senior Policy Advisor

[ciovino@bhfs.com](mailto:ciovino@bhfs.com)

202.383.4424

**Anne C. Starke**

Policy Advisor and Associate

[astarke@bhfs.com](mailto:astarke@bhfs.com)

202.872.5297

**Radha Mohan**

Policy Advisor and Associate

[rmohan@bhfs.com](mailto:rmohan@bhfs.com)

202.383.4425

**Lori Harju**

Policy Director

[lharju@bhfs.com](mailto:lharju@bhfs.com)

202.747.0519

**Daniel Joseph**

Policy Advisor

[djoseph@bhfs.com](mailto:djoseph@bhfs.com)

202.216.4864

*This document is intended to provide you with general information regarding the IRS Priority Guidance Plan. The contents of this document are not intended to provide specific legal advice. If you have any questions about the contents of this document or if you need legal advice as to an issue, please contact the attorneys listed or your regular Brownstein Hyatt Farber Schreck, LLP attorney. This communication may be considered advertising in some jurisdictions.*