

Law 260.1: Tax Policy and Public Finance

Class meetings: Tuesdays, 3:35 PM - 5:25 PM, LAW 107, August 17 - November 16

Office hours: Mondays, 10:00 AM - 11:30 AM and by appointment

This class requires a paper (app. 15 pp.), a preliminary version of which must be presented during one of the last two class meetings. A one-page paper outline is due October 26. A first draft is due December 2. The completed paper is due at noon on December 16, the last day of the final examination period. Each student must also serve as a discussion leader for one of the weekly session topics. Grading will take account of class attendance and participation. URLs listed are accessible from within the UC Berkeley IP domain (and using the UCB library proxy for remote access). Readings with no URL listed will be available through bCourses.

Outline and Readings (Note: dates of topics may change)

August 17

1. *Introduction*

Overview of the US tax system: what is taxed? How has this changed over time? How are income and other tax bases defined? What criteria should be used to evaluate tax policies?

David F. Bradford, *Untangling the Income Tax*, Harvard University Press (1986), Chapter 2.

Tax Policy Center, *Total Tax Receipts as a Percentage of GDP, 1929-2013*.
https://www.taxpolicycenter.org/sites/default/files/statistics/pdf/historical_receipt_comp_chart.pdf

Tax Policy Center, *OECD Taxes as Share of GDP 1965 to 2019* (December 11, 2020).
<http://www.taxpolicycenter.org/statistics/oecd-taxes-share-gdp>

Tax Policy Center, *OECD Composition of Taxes 1999-2019* (January 7, 2021).
<https://www.taxpolicycenter.org/statistics/oecd-composition-taxes>

Philip Stallworth and Daniel Berger, “The TCJA Is Increasing The Share Of Households Paying No Federal Income Tax” Tax Policy Center, September 5, 2018.
<https://www.taxpolicycenter.org/taxvox/tcja-increasing-share-households-paying-no-federal-income-tax>

August 24

2. Basic Welfare Economics

What is the role of government in the economy? How should we measure the impact of government intervention?

Joseph Stiglitz, *Economics of the Public Sector*, 2nd ed., Norton (1988), 61-68, 71-84, 112-114.

Joint Committee on Taxation, *Methodology and Issues in Measuring Changes in the Distribution of Tax Burdens* (JCS-7-93; June 14, 1993), 20-31 (“The Economic Theory of Tax Incidence”). <https://www.jct.gov/publications/1993/jcs-7-93/>

August 31

3. Measuring the Distributional Effects of Taxation

What is the distributional burden of the U.S. tax system? How has inequality increased over time, and what role has the tax system played in the increase?

Congressional Budget Office, *The Distribution of Household Income, 2018* (August 4, 2021). <https://www.cbo.gov/system/files/2021-08/57061-Distribution-Household-Income.pdf>

Congressional Budget Office, *Is Social Security Progressive?* (December 15, 2006). <https://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/77xx/doc7705/12-15-progressivity-ss.pdf>

September 7

4. Tax Treatment of the Family

What problems are inherent in a progressive income tax regarding the equitable treatment of different family units? How should family structure influence income tax design? How are children treated by the tax system?

James Alm and J. Sebastian Leguizamon, “Whither the Marriage Tax?” *National Tax Journal* 68 (June 2015), 251-280. <https://www.ntanet.org/NTJ/68/2/ntj-v68n02p251-280-whither-marriage-tax.pdf>

Tax Policy Center, *What is the Child Tax Credit?*
<https://www.taxpolicycenter.org/briefing-book/what-child-tax-credit>

Tax Policy Center, *What is the Earned Income Tax Credit?*
<https://www.taxpolicycenter.org/briefing-book/what-earned-income-tax-credit>

5. Tax Expenditures

What are the major deviations from a comprehensive income tax? What are the effects of these deviations on behavior and progressivity? What are the options for reform?

Joint Committee on Taxation, *A Reconsideration of Tax Expenditure Analysis* (JCX-37-08; May 12, 2008), 2-6, 18-21. <https://www.jct.gov/publications/2008/jcx-37-08/>

Congressional Budget Office, *The Distribution of Major Tax Expenditures in the Individual Income Tax System* (May 2013).
http://www.cbo.gov/sites/default/files/cbofiles/attachments/43768_DistributionTaxExpenditures.pdf

Eric J. Toder, Joseph Rosenberg, and Amanda Eng, “Evaluating Broad-Based Approaches for Limiting Tax Expenditures,” *National Tax Journal* 66 (December 2013), 807–832. <https://www.ntanet.org/NTJ/66/4/ntj-v66n04p807-832-broad-based-limiting-tax-expenditures.pdf>

David Altig, Alan Auerbach, Patrick Higgins, Darryl Koehler, Laurence Kotlikoff, Ellyn Terry, and Victor Ye, “Did the 2017 Tax Reform Discriminate against Blue State Voters?” *National Tax Journal* 73 (December 2020), 1087-1108.
<https://www.journals.uchicago.edu/doi/10.17310/ntj.2020.4.08>

September 14

6. Tax Exempt Organizations and Charitable Contributions

What is the rationale for tax-exempt organizations? What is their role in the political process? How does the charitable deduction influence taxpayer behavior? How might charitable deductions be reformed?

Joint Committee on Taxation, *Historical Development and Present Law of the Federal Tax Exemption for Charities and Other Tax-Exempt Organizations* (JCX-29-05; April 19, 2005), 18-44. <https://www.jct.gov/publications/2005/jcx-29-05/>

Joint Committee on Taxation, *Present Law And Background Relating To The Federal Tax Treatment Of Charitable Contributions* (JCX-4-13; February 11, 2013), 33-56.
<https://www.jct.gov/publications/2013/jcx-4-13/>

Alex Brill and Derrick Choe, “Charitable Giving and the Tax Cuts and Jobs Act,” *AEI Economic Perspectives* (June 2018). <https://www.aei.org/wp-content/uploads/2018/06/Charitable-Giving-and-the-Tax-Cuts-and-Jobs-Act.pdf>

September 21

7. *Environmental Policies and the Control of Externalities*

How can tax policy be used to pursue environmental objectives? How do tax-based solutions differ from other approaches in their effects on distribution and efficiency? Can tax policy be used to encourage other countries to pursue environmental objectives?

Gilbert E. Metcalf, "Market-based Policy Options to Control U.S. Greenhouse Gas Emissions" *Journal of Economic Perspectives* 23 (Spring 2009), 5-27.

<http://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.23.2.5>

Kenneth Gillingham and James H. Stock, "The Cost of Reducing Greenhouse Gas Emissions," *Journal of Economic Perspectives* 32 (Fall 2018), 53-72.

<https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.32.4.53>

September 28

8. *Deficits and Budget Rules*

What are the economic effects of budget deficits? What role can budget rules play? How do federal and state governments account for future commitments?

Alan J. Auerbach, "Budget Rules and Fiscal Policy: Ten Lessons from Theory and Evidence," *German Economic Review* 15 (February 2014), 84-99.

<http://onlinelibrary.wiley.com/doi/10.1111/geer.12023/pdf>

Robert Novy-Marx and Joshua D. Rauh, "The Liabilities and Risks of State Sponsored Pension Plans," *Journal of Economic Perspectives* 23 (Fall 2009), 191-210.

<http://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.23.4.191>

Alan J. Auerbach and William Gale, "The Effects of the COVID Pandemic on the Federal Budget Outlook" *Business Economics* (October 2020).

<https://doi.org/10.1057/s11369-020-00188-y>

October 5

9. *Consumption Taxes*

How may they be implemented? How do they differ from income taxes with respect to fairness, simplicity, and impact on economic performance? How do they operate at the state and local level?

David F. Bradford, *Untangling the Income Tax*, Harvard University Press (1986), Chapters 4 and 5.

Alan J. Auerbach, *Consumption Tax Options for California*, Public Policy Institute of California (June 9, 2011). https://www.ppic.org/content/pubs/report/R_611AAR.pdf

October 12

10. Capital Gains Taxation

What are the distributional and behavioral effects of taxing gains on realization and at a favorable rate? What would be the impact of a change in the rate of capital gains taxation? What alternative changes in the capital gains tax might be considered?

Thomas L. Hungerford, *The Economic Effects of Capital Gains Taxation* Congressional Research Service (June 18, 2010). <https://fas.org/sgp/crs/misc/R40411.pdf>

Alan J. Auerbach, "Reforming Capital Gains Taxation," *Tax Notes* 135 (June 11, 2012), 1399-1400. <http://taxprof.typepad.com/files/135tn1399.pdf>

11. Estate, Inheritance, and Wealth Taxes

What is the rationale for the current treatment of estates and inheritances? What alternatives are there?

Joint Committee on Taxation, *History, Present Law, and Analysis of the Federal Wealth Transfer Tax System* (JCX-52-15; March 18, 2015). <https://www.jct.gov/publications/2015/jcx-52-15/>

Daniel Hemel, "Taxing Wealth in an Uncertain World," *National Tax Journal* 72 (December 2019), 755-776. <https://ssrn.com/abstract=3446746>

October 19

12. Corporate and Personal Income Taxes and Pass-Through Entities

What is the rationale for the corporate tax? What are its behavioral effects? Who bears its burden? How might the individual and corporate income taxes be coordinated? How has recent legislation affected the choice between corporate and pass-through entity forms?

Michael J. Graetz and Alvin C. Warren, Jr., "Integration of Corporate and Shareholder Taxes," *National Tax Journal* 69 (September 2016), 677-700. <https://ntanet.org/NTJ/69/3/ntj-v69n03p677-700-integration-corporate-shareholder-taxes.pdf>

Alan J. Auerbach, "Measuring the Effects of Corporate Tax Cuts," *Journal of Economic Perspectives* 32 (Fall 2018), 97-120. <https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.32.4.97>

William G. Gale and Aaron Krupkin, "Navigating the New Pass-Through Provisions: A Technical Explanation," Tax Policy Center Brief (January 31, 2018). <https://www.taxpolicycenter.org/publications/navigating-new-pass-through-provisions-technical-explanation/full>

October 26

13. Taxation of Multinational Enterprises

What norms should apply in evaluating the taxation of international investment? How does the United States tax foreign source income? How was this affected by the Tax Cuts and Jobs Act? What is the rationale for recent proposals for the taxation of digital services? What would be the impact of the current OECD “two-pillar” initiative?

Joint Committee on Taxation, *Present Law and Selected Policy Issues in the U.S. Taxation of Cross-Border Income* (JCX-51-15; March 16, 2015).
<https://www.jct.gov/publications/2015/jcx-51-15/>

Daniel Bunn, “What’s in the New Global Tax Agreement?” Tax Foundation (July 1, 2021). <https://taxfoundation.org/global-tax-agreement/>

November 2

14. Place-Based Policies and Local Tax Competition

How do policies such as “opportunity zones” work? What is their justification? Do state and local governments gain from providing tax incentives to attract business activity?

Joint Committee on Taxation, *Qualified Opportunity Zones: An Overview* (June 19, 2019). <https://www.jct.gov/publications/2019/qualified-opportunity-zones-an-overview/>

David Neumark and Helen Simpson, *Do Place-Based Policies Matter?* Federal Reserve Bank of San Francisco Economic Letter 2015-07 (March 2, 2015).
<https://www.frbsf.org/economic-research/files/el2015-07.pdf>

Cailin Slattery and Owen Zidar, “Evaluating State and Local Business Incentives,” *Journal of Economic Perspectives* 34 (Spring 2020), 90-118.
<https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.34.2.90>

15. Pensions and Retirement Saving

What tax incentives exist for encouraging adequate saving for retirement? How might they be made more equitable and effective?

Joint Committee on Taxation, *Present Law and Background Relating to Challenges in the Retirement System* (JCX-20-19; May 10, 2019).
<https://www.jct.gov/publications/2019/jcx-20-19/>

John N. Friedman, “Tax Policy and Retirement Savings,” in A. Auerbach and K. Smetters, eds., *The Economics of Tax Policy* (Oxford University Press, 2017).
<https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780190619725.001.0001/acprof-9780190619725-chapter-18>

November 9 & 16

Class paper presentations