

Law 260.1: Tax Policy and Public Finance

Class meetings: Mondays, 8:00 AM - 9:50 AM, Law 107, January 8 – April 23

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 (via email) at 5pm on March 20. A first draft is due (via email) at 5pm on April 24. The completed paper is due (via email) at 5pm on Wednesday, May 8, 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 (or remotely via the UC Berkeley VPN or library proxy). Readings with no URL listed will be available through bCourses.

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

January 8

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 2021* (June 7, 2023).

<http://www.taxpolicycenter.org/statistics/oecd-taxes-share-gdp>

Tax Policy Center, *OECD Composition of Taxes 1999-2020* (September 21, 2022).

<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>

January 22

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/>

January 29

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

Congressional Budget Office, *The Distribution of Household Income, 2020*. (November 14, 2023a), 1-18. <https://www.cbo.gov/publication/59509>

Congressional Budget Office, *Trends in the Distribution of Household Income From 1979 to 2020*. (November 14, 2023b) <https://www.cbo.gov/publication/59510>

February 5

4. *Tax Treatment of the Family*

What are the equity issues among families under a progressive income tax? How should family structure influence 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.journals.uchicago.edu/doi/pdf/10.17310/ntj.2015.2.02>

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), 1-20.
http://www.cbo.gov/sites/default/files/cbofiles/attachments/43768_DistributionTaxExpenditures.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>

February 12

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>

February 26

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>

March 4

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.
<https://onlinelibrary.wiley.com/doi/epdf/10.1111/geer.12023>

Alan J. Auerbach and William Gale, “The Federal Budget Outlook: An Update” *Tax Notes* (August 21, 2023). <https://www.taxnotes.com/special-reports/budgets/federal-budget-outlook-update/2023/08/18/7h286>

C. Eugene Steuerle and Karen E. Smith, “Social Security and Medicare Benefits and Taxes: 2023,” Tax Policy Center, July 2023, 1-20.
<https://www.urban.org/research/publication/social-security-and-medicare-benefits-and-taxes-2023>

March 11

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?

Joint Committee on Taxation, *Background on Cash-Flow and Consumption-Based Approaches to Taxation* (JCX-58-23; December 5, 2023).
<https://www.jct.gov/publications/2023/jcx-58-23/>

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

March 18

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://www.journals.uchicago.edu/doi/epdf/10.17310/ntj.2019.4.05>

April 1

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://www.journals.uchicago.edu/doi/abs/10.17310/ntj.2016.3.07>

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>

April 8

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, *Background and Analysis of the Taxation of Income Earned by Multinational Enterprises* (JCX-35-23; July 17, 2023), 1-28, 41-67.
<https://www.jct.gov/publications/2023/jcx-35-23/>

April 15

14. Place-Based Policies and Local Tax Competition

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

Patrick Kennedy and Harrison Wheeler, “Neighborhood-Level Investment from the U.S. Opportunity Zone Program: Early Evidence,” 1-23. https://patrick-kennedy.github.io/files/Kennedy_Wheeler_OZ_2022.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://doi.org/10.1093/acprof:oso/9780190619725.003.0018>

April 22 & 23

Class paper presentations