

INTERNATIONAL
INCOME TAX
AND
ESTATE
PLANNING

S E C O N D E D I T I O N

WILLIAM H. NEWTON, III

International Income Tax and Estate Planning

Second Edition

**Volume 1
Chapters 1-11**

William H. Newton, III

William H. Newton, III, P.A.

Miami, Florida

Member of the Florida and Texas Bars

J.D., Southern Methodist University

S.M., Massachusetts Institute of Technology

Adjunct Professor of Law, Masters of Tax, and Masters of Estate
Planning, University of Miami



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Dedication

For their love, patience, and devotion, I dedicate
this book to my family.

Preface

The purpose of this treatise is to explain, clarify, and provide insight into theories and approaches to international tax planning. This includes both international income taxation of individuals, corporations, and partnerships engaged in international business transactions and international estate planning. The principal focus is on the United States tax system as applied to inbound and outbound activities of foreign and United States persons. Even so, as part of this same process the impact of pertinent foreign tax systems is incidentally considered as well.

The subject matter of international tax planning is interesting and complex. In many instances, there may be a number of alternative approaches to a specific factual pattern. This book illustrates many of these approaches through detailed explanations and a series of illustrations designed to elucidate and facilitate international tax planning. This analysis covers pertinent federal legislation adopted by Congress, tax treaties, regulations and rulings issued by the Internal Revenue Service, and case law through December 15, 2003.

That portion of Chapter 4 covering the Foreign Investment in Real Property Tax Act of 1980 was republished at 10 Australian Tax Rev 181 (1981). That portion of Chapter 6 covering taxation of trust beneficiaries was republished at 12 Australian Tax Rev 239 (1983). That portion of Chapter 6 covering choice and change of trust situs was republished at XXXV Florida L Rev 798 (1983). That portion of Chapter 5 addressing estate, gift, and generation-skipping transfer tax treaties was republished at 37 Sw LJ 563 (1983). That portion of Chapter 3 dealing with §54911 was republished at 16 U of Miami Inter-American L Rev 373 (1984).

Because of the dynamic nature of international income tax and estate planning, these as well as other portions of the treatise have

required and continue to require constant refinement and revision. The task is indeed a most formidable one. For this purpose the invaluable assistance of Rebecca Newton Clarke is gratefully acknowledged as a collective part of this overall process.

All readers are invited to offer suggestions for inclusion of additional subject matter in this book as well as any other thoughts, ideas, or inquiries they may have. Merely write me at the address below or call me at 305-357-6265.

William H. Newton, III

Rivergate Plaza
Suite 300
444 Brickell Avenue
Miami, FL 33131

Detailed Volume Table of Contents

Volume 1

Chapter 1

International Taxation—Planning, Jurisdiction, and Professional Practice

- § 1:1 International tax planning
- § 1:2 International tax planning issues
- § 1:3 —Conflict of laws
- § 1:4 —Taxation—General
- § 1:5 —Taxation—Specific
- § 1:6 —Estate planning
- § 1:7 Jurisdiction
- § 1:8 —Jurisdictional contacts
- § 1:9 —Exercise
- § 1:10 Professional practice

Chapter 2

Conflict of Laws in International Income Tax and Estate Planning

- § 2:1 Introduction
- § 2:2 Approach to conflict of laws
- § 2:3 Notice and proof of foreign law
- § 2:4 Classification of property
- § 2:5 —Real property
- § 2:6 —Personal property
- § 2:7 —Tangible personal property
- § 2:8 —Intangible personal property
- § 2:9 Reclassification of property
- § 2:10 Marital status
- § 2:11 —Succession rights affected
- § 2:12 —Tax issues affected
- § 2:13 Property ownership interests
- § 2:14 —Relationship to conflict of laws
- § 2:15 —Effect of change in domicile

- § 2:16 Intestate succession
- § 2:17 Testamentary succession
- § 2:18 —Formalities for execution of wills
- § 2:19 —Testamentary intent
- § 2:20 —Testamentary power and testamentary capacity
- § 2:21 —Restrictions on distributions to aliens
- § 2:22 —Interpretation and construction
- § 2:23 —Restrictions on testamentary dispositions
- § 2:24 —Designation of controlling substantive law
- § 2:25 —Revocation of wills
- § 2:26 Disclaimer or renunciation
- § 2:27 Trusts
- § 2:28 —Validity
- § 2:29 —Administration
- § 2:30 —Restraints on alienation

Chapter 3

Federal Taxation of United States Citizens, Residents, or Domiciliaries in Foreign Jurisdictions

- § 3:1 Introduction

I. INCOME TAXATION

- § 3:2 United States citizens or residents in foreign jurisdictions
- § 3:3 United States citizenship defined
- § 3:4 United States residence defined
- § 3:5 —Subjective residence definition
- § 3:6 —Objective residence definition
- § 3:7 Relinquishment of United States residence
- § 3:8 Exclusions from gross income—I.R.C. § 911
- § 3:9 —Tax home in foreign country
- § 3:10 —Bona fide resident test
- § 3:11 —Physical presence test
- § 3:12 —Certain foreign countries—Waiver of period of stay in, and restrictions on
- § 3:13 —Foreign earned income
- § 3:14 —Foreign earned income exclusion
- § 3:15 —Earned income of married couples
- § 3:16 —Moving expense reimbursements, effect on foreign earned income exclusion
- § 3:17 —Disallowance of deductions, exclusions, and credits
- § 3:18 —Housing cost amount exclusion
- § 3:19 —Housing cost amount deduction
- § 3:20 —Exclusion for meals and lodging for employer's convenience
- § 3:21 —Election of exclusions
- § 3:22 —Practical considerations in determining whether to elect exclusions

TABLE OF CONTENTS

- § 3:23 —Revocation of elections
- § 3:24 —Returns and extensions—Exclusion criteria not yet satisfied
- § 3:25 Moving expenses
- § 3:26 Travel and conventions—Foreign
- § 3:27 Rental expense on dwelling
- § 3:28 Charitable contributions for use in foreign jurisdictions
- § 3:29 Excluding gain from sale of principal residence
- § 3:30 Deferring gain on sale of principal residence—Prior law
- § 3:31 Foreign taxes—Deduction versus credit
- § 3:32 Foreign income tax credit—Function
- § 3:33 —Liability for foreign tax
- § 3:34 —Creditable foreign taxes
- § 3:35 —Income, war profits, and excess profits taxes
- § 3:36 —Taxes in lieu of income, war profits, or excess profits taxes
- § 3:37 —Federal taxes affected by the credit
- § 3:38 —Election to accrue foreign taxes
- § 3:39 —Foreign exchange rate fluctuations
- § 3:40 —Limitation on amount of credit
- § 3:41 —Allocation and apportionment of deductions
- § 3:42 —Foreign loss recaptures
- § 3:43 —Carryback and carryover of foreign taxes
- § 3:44 —Effect of foreign tax adjustments
- § 3:45 —Filing requirements for claiming foreign income tax credit
- § 3:46 Income tax returns
- § 3:47 —Joint returns
- § 3:48 —Community property income, effect of income tax returns

II. ESTATE TAXATION

- § 3:49 United States citizen or domiciliary decedents in foreign jurisdictions
- § 3:50 —United States citizenship and domicile defined
- § 3:51 —Deduction—Foreign charitable transfers
- § 3:52 —Foreign death taxes on charitable transfers
- § 3:53 —Foreign death tax credit
- § 3:54 —Requirements for claiming the death tax credit
- § 3:55 Estate tax return

III. GIFT TAXATION

- § 3:56 United States citizen and domiciliary donors in foreign jurisdictions
- § 3:57 —Double taxation of gifts
- § 3:58 Gift tax return and reporting requirements

IV. OTHER TAXES

- § 3:59 Social security taxation
- § 3:60 —Federal Insurance Contributions Act (FICA) taxation
- § 3:61 —Self-Employment Contributions Act (SECA) taxation
- § 3:62 Federal Unemployment Taxation (FUTA)

Chapter 4

Federal Taxation of Nonresidents and Nondomiciliaries

§ 4:1 Introduction

I. INCOME TAXATION

- § 4:2 Nonresidents
- § 4:3 United States trade or business
- § 4:4 Nonresidents in absence of United States trade or business
- § 4:5 —Fixed-determinable income
- § 4:6 —Distributions from pension or profit sharing plans
- § 4:7 —Original issue discount (OID)
- § 4:8 —Gains from sale or exchange of property
- § 4:9 —Portfolio interest
- § 4:10 —Interest on deposits
- § 4:11 Nonresidents engaged in United States trade or business
- § 4:12 Nonresidents engaged in actual United States trade or business
- § 4:13 —Effectively connected, fixed-determinable income, capital gain, and portfolio interest
- § 4:14 —Asset use test
- § 4:15 —Business activities test
- § 4:16 —Accounting treatment
- § 4:17 —Other income from sources within the United States
- § 4:18 —Effectively connected, foreign source income
- § 4:19 —Deferred payments and gain arising out of U.S. trade or business
- § 4:20 Nonresidents engaged in artificial U.S. trade or business
- § 4:21 —Scholarship grants
- § 4:22 —Code net basis election
- § 4:23 —United States real property interests (USRPIs)
- § 4:24 —Definition of USRPIs
- § 4:25 —Interests in United States situs real property
- § 4:26 —Interests in domestic corporations
- § 4:27 —United States real property holding corporations (USRPHCs)
- § 4:28 —Corporate ownership interests
- § 4:29 —Partnerships, trusts, and estates
- § 4:30 —Interests in foreign corporations
- § 4:31 —Dispositions of USRPIs
- § 4:32 —Recognition of gain
- § 4:33 —Deferral of gain
- § 4:34 —Dispositions by domestic investors
- § 4:35 —Dispositions of USRPIs—Partnerships, trusts, and estates
- § 4:36 Deductions from effectively connected income
- § 4:37 —Gain from disposition of USRPIs—Offsetting with losses
- § 4:38 Credits against tax on effectively connected income
- § 4:39 Source of income
- § 4:40 —Interest

TABLE OF CONTENTS

- § 4:41 —Dividends
- § 4:42 —Compensation for personal services
- § 4:43 —Rentals or royalties
- § 4:44 —Disposition of United States real property interests (USRPIs)
- § 4:45 —Sales or exchanges of personal property (non-USRPIs)
- § 4:46 Withholding
- § 4:47 —Income subject to withholding
- § 4:48 —Persons required to withhold
- § 4:49 —Withholding procedures
- § 4:50 Election of accounting period
- § 4:51 Income tax return
- § 4:52 Information returns for direct foreign investment in USRPIs
- § 4:53 Disclosure of reported information to foreign jurisdictions
- § 4:54 Change of status from nonresident to United States citizen or resident
- § 4:55 Installment sales

II. ESTATE TAXATION

- § 4:56 Nondomiciliary decedents
- § 4:57 Gross estate
- § 4:58 Worldwide gross estate
- § 4:59 —Inclusion of property
- § 4:60 Situs
- § 4:61 —Real property
- § 4:62 —Personal property
- § 4:63 —Tangible personal property
- § 4:64 —Intangible personal property
- § 4:65 Revocable transfers and transfers within three years of death
- § 4:66 Property valuation
- § 4:67 —Step-up in basis
- § 4:68 Deductions from gross estate
- § 4:69 —Expenses, losses, indebtedness, and taxes
- § 4:70 —Public, charitable, and religious uses
- § 4:71 —Marital deduction
- § 4:72 Imposition of tax
- § 4:73 Credits against tax
- § 4:74 Estate tax return

III. GIFT TAXATION

- § 4:75 Nondomiciliaries
- § 4:76 Taxable gifts
- § 4:77 Transfers
- § 4:78 Situs
- § 4:79 Valuation
- § 4:80 Exclusions and deductions
- § 4:81 Imposition of tax
- § 4:82 Gift tax return

IV. RELATED MATTERS

- § 4:83 Federal Insurance Contributions Act (FICA) taxation

- § 4:84 Self-Employment Contributions Act (SECA) taxation
- § 4:85 Federal Unemployment Tax Act (FUTA)
- § 4:86 Expatriation to avoid tax
- § 4:87 —Income tax
- § 4:88 —Estate tax
- § 4:89 —Gift tax
- § 4:90 Presidential power to increase tax burden
- § 4:91 —Income tax
- § 4:92 —Estate tax

Chapter 5

Tax Treaties

- § 5:1 Introduction
- § 5:2 Tax treaty policy
- § 5:3 Code-treaty relationship

I. INCOME TAXATION

- § 5:4 Income tax treaties
- § 5:5 Benefits
- § 5:6 Taxes covered
- § 5:7 Persons covered
- § 5:8 Saving clause
- § 5:9 Residence and citizenship
- § 5:10 Permanent establishment—Defined
- § 5:11 —Asset test
- § 5:12 —Agency test
- § 5:13 —Activities test
- § 5:14 Taxation in absence of permanent establishment
- § 5:15 Taxation when permanent establishment exists
- § 5:16 —Business profits
- § 5:17 —Effectively connected income
- § 5:18 —Branch level taxes
- § 5:19 Income independent of permanent establishment
- § 5:20 —Shipping and air transport income
- § 5:21 —Real property: In general
- § 5:22 —Real property income
- § 5:23 —Gain from disposition of real property and USRPHCs
- § 5:24 —Election by foreign corporation to be treated as domestic—I.R.C. § 897(i)
- § 5:25 —Compensation for personal services
- § 5:26 —Independent and dependent personal services
- § 5:27 —Entertainers and athletes
- § 5:28 —Pensions, annuities, and support payments
- § 5:29 —Government service, teachers, and students
- § 5:30 —Other income
- § 5:31 Relief from double taxation
- § 5:32 Source of income rules

TABLE OF CONTENTS

- § 5:33 Nondiscrimination
- § 5:34 Exchange of information and assistance in collection

II. ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXATION

- § 5:35 Estate, gift, and generation-skipping transfer tax treaties
- § 5:36 Benefits
- § 5:37 Taxes covered
- § 5:38 Persons covered
- § 5:39 Saving clause
- § 5:40 Domicile and citizenship
- § 5:41 Situs rules
- § 5:42 —Pre-OECD treaties
- § 5:43 —Real property
- § 5:44 —Tangible personal property
- § 5:45 —Intangible personal property
- § 5:46 —Catchall clause
- § 5:47 —OECD-type treaties
- § 5:48 Deductions and exemptions
- § 5:49 Relief from double taxation
- § 5:50 Administrative procedure
- § 5:51 Exchange of information and assistance in collection

Chapter 6

Trusts

- § 6:1 Introduction
- § 6:2 Taxation approach
- § 6:3 Trust defined
- § 6:4 Domestic or foreign trust situs—Current law
- § 6:5 Domestic or foreign trust situs—Prior law

I. TAXATION OF GRANTORS

- § 6:6 Transfers in trust
- § 6:7 Income taxation, generally
- § 6:8 Transfers or powers triggering income taxation
- § 6:9 Income taxation—Grantor's personal status
- § 6:10 I.R.C. § 679 grantor trust rule
- § 6:11 —Policy behind I.R.C. § 679
- § 6:12 —Grantor, a United States person
- § 6:13 —Direct, indirect, or constructive transfers of property to foreign trusts
- § 6:14 —United States beneficiary
- § 6:15 —Acquisition of United States beneficiary by existing trust
- § 6:16 —Exceptions
- § 6:17 Recognition of gain on transfers to foreign trusts
- § 6:18 Prior excise tax on transfers to foreign trusts
- § 6:19 —I.R.C. § 367 principles exception

- § 6:20 —Sale or exchange exception
- § 6:21 —Procedure for prior excise tax and elections
- § 6:22 Withholding on nonresident grantors
- § 6:23 Grantor returns and reporting requirements
- § 6:24 Estate taxation, generally
- § 6:25 —Prohibited transfers or powers
- § 6:26 —Extent of estate taxation
- § 6:27 Gift taxation, generally
- § 6:28 —Extent of gift taxation

II. TAXATION OF TRUSTS

- § 6:29 Generally
- § 6:30 Simple and complex trusts
- § 6:31 Computation of gross income
- § 6:32 Multiple trusts
- § 6:33 Computation of taxable income
- § 6:34 Distribution deduction
- § 6:35 Distributable net income as limitation
- § 6:36 Personal exemption
- § 6:37 Charitable contribution deduction
- § 6:38 Income tax withholding on foreign trusts
- § 6:39 Prior special two-year tax
- § 6:40 Trust returns and reporting requirements

III. TAXATION OF BENEFICIARIES

- § 6:41 Generally
- § 6:42 Distributable net income as limitation
- § 6:43 Accumulation distributions
- § 6:44 Throwback of accumulation distributions from nonqualified trusts
- § 6:45 —Exceptions
- § 6:46 —Preceding taxable years covered
- § 6:47 Extent of United States beneficiary income taxation
- § 6:48 —Distributions by foreign trusts through nominees
- § 6:49 Extent of nonresident beneficiary income taxation
- § 6:50 —Deduction benefits
- § 6:51 Income tax withholding
- § 6:52 Interest charge on accumulation distributions from foreign trusts
- § 6:53 Beneficiary returns and reporting requirements
- § 6:54 Estate taxation
- § 6:55 Gift taxation

IV. TRUST SITUS ISSUES

- § 6:56 Choice of trust situs
- § 6:57 —Legal system and tax impact of foreign situs
- § 6:58 —Effect of income tax treaties on trusts
- § 6:59 —Standing to claim treaty protection
- § 6:60 —Application of treaties
- § 6:61 —Dividing trust situs from jurisdiction of creation

TABLE OF CONTENTS

- § 6:62 Change of trust situs
- § 6:63 —Rationale
- § 6:64 —Relationship of tax impact to approach in changing situs
- § 6:65 —Situs factor modification
- § 6:66 —Termination
- § 6:67 —Decanting
- § 6:68 —Drafting provisions for changing situs

Chapter 7

Generation-Skipping Transfer Tax

- § 7:1 Introduction
- § 7:2 Policy basis of generation-skipping transfer tax
- § 7:3 Imposition and application of generation-skipping transfer tax—Current tax
- § 7:4 Generation-skipping transfer taxation of nondomiciliaries—Current tax
- § 7:5 —Nondomiciliary transferors
- § 7:6 —Situs rules
- § 7:7 —Generation-skipping transfer exemption
- § 7:8 Introduction—Prior generation-skipping transfer tax provisions
- § 7:9 Generation-skipping transfers—Generally—Prior tax
- § 7:10 —Trusts
- § 7:11 —Trust equivalents
- § 7:12 Younger generation beneficiaries—Prior tax
- § 7:13 Beneficiary defined—Prior tax
- § 7:14 —Assignment to generations
- § 7:15 Types of transfers—Prior tax
- § 7:16 —Taxable distributions
- § 7:17 —Taxable terminations
- § 7:18 Jurisdictional bases—Prior tax
- § 7:19 —Situs
- § 7:20 —Deemed transferor defined
- § 7:21 —Computation of tax
- § 7:22 —Base
- § 7:23 —Adjustments
- § 7:24 —Exclusion for transfers to grandchildren
- § 7:25 —Deductions
- § 7:26 —Credits
- § 7:27 Liability for tax—Prior law

Chapter 8

Partnerships

- § 8:1 Introduction
- § 8:2 Taxation approach
- § 8:3 Partnership defined—Current law
- § 8:4 Partnership defined—Prior law

- § 8:5 Status—Domestic or foreign
- § 8:6 Residence
- § 8:7 Partnership tax treatment
- § 8:8 —Aggregate theory
- § 8:9 —Entity theory
- § 8:10 —Income tax withholding on foreign partnerships
- § 8:11 Taxation of partners, generally
- § 8:12 —Income taxation
- § 8:13 —Distributive share absent partnership agreement allocation
- § 8:14 —United States citizen or resident partners
- § 8:15 —Nonresident partners
- § 8:16 —Effect of income tax treaties
- § 8:17 Partnership agreement allocations
- § 8:18 —United States citizen or resident partners
- § 8:19 —Nonresident partners
- § 8:20 Transactions between partners and partnership
- § 8:21 —United States citizen or resident partners
- § 8:22 —Nonresident partners
- § 8:23 Sale or exchange of interests
- § 8:24 Income tax withholding on nonresident partners
- § 8:25 Reporting requirements
- § 8:26 Estate taxation
- § 8:27 Gift taxation

Chapter 9

Corporations

- § 9:1 Introduction
- § 9:2 Taxation approach
- § 9:3 Corporation defined—Current law
- § 9:4 —Corporation defined—Prior law
- § 9:5 Status—Domestic or foreign
- § 9:6 Residence
- § 9:7 Corporation income tax treatment
- § 9:8 —Branch profits tax
- § 9:9 —Accumulated earnings tax
- § 9:10 —Effect of corporate status on accumulated earnings tax
- § 9:11 —Personal holding companies (PHCs)
- § 9:12 —Effect of PHC corporate status
- § 9:13 —PHC returns
- § 9:14 —Section 367 transfers involving foreign corporations
- § 9:15 —Outbound transfers
- § 9:16 —Inbound transfers and those transfers exclusively foreign
- § 9:17 —Corporations as a vehicle for foreign investment in United States real property
- § 9:18 —Foreign corporate investment in United States real property
- § 9:19 —Domestic corporate investment in United States real property
- § 9:20 —Withholding of income tax on foreign corporations
- § 9:21 Shareholder income tax treatment

TABLE OF CONTENTS

- § 9:22 —Foreign personal holding companies (FPHCs)
- § 9:23 —Effect of FPHC status
- § 9:24 —FPHC returns
- § 9:25 —Controlled foreign corporations (CFCs)
- § 9:26 —Effect of CFC status
- § 9:27 —CFC returns
- § 9:28 —Gain from the sale or exchange of stock in CFC: I.R.C. § 1248
- § 9:29 —Relationship between FPHC and CFC provisions
- § 9:30 —Foreign investment companies (FICs)
- § 9:31 —Passive foreign investment companies (PFICs)
- § 9:32 —Extraterritorial income exclusion
- § 9:33 —Foreign sales corporations (FSCs)—Prior law
- § 9:34 —Income tax withholding on nonresident shareholders
- § 9:35 Estate taxation
- § 9:36 Gift taxation

Chapter 10

Disposition of Assets in International Income Tax and Estate Planning

- § 10:1 Introduction
- § 10:2 Disposition by will
- § 10:3 —Domiciliary will
- § 10:4 —Situs will
- § 10:5 —Drafting domiciliary and situs wills
- § 10:6 Transfers which avoid probate
- § 10:7 Inter vivos trusts
- § 10:8 Avoiding restrictions on testamentary dispositions
- § 10:9 Continued control over property
- § 10:10 Quasi-fiduciary trust
- § 10:11 Declaration of trust
- § 10:12 Nonresident trustee
- § 10:13 Restraints on alienation
- § 10:14 Change of domicile—Preservation of ownership interests
- § 10:15 Revocable or irrevocable—Tax impact
- § 10:16 Property ownership interests
- § 10:17 Trusts and property ownership interests compared

Chapter 11

Probate and Administration

- § 11:1 Introduction
- § 11:2 Common law approach
- § 11:3 —Probate
- § 11:4 —Administration