

## H. REVIEW OF TAX RESEARCH MATERIALS

### 1. Introduction

This topic will describe the various types of authoritative documents used in researching tax issues and discuss various secondary sources that can be used to identify and locate these documents.

The first steps in the tax research process are to analyze the available facts, pin-point the legal issues involved, and formulate an appropriate tax question (or questions) to be researched. Preliminary research may indicate the need for additional facts or reformulation of the original questions. In an examination of unrelated trade or business income, for example, an initial inquiry may focus on the relatedness of a particular activity to the exempt purposes of the organization. The issue, however, may ultimately be resolved with reference to one of the exceptions to the term "trade or business" provided in IRC 513(a).

Once the research question has been formulated, the search for relevant authority can begin.

### 2. Sources of Tax Law Authority

There are three basic types of authoritative documents: statutory, administrative and judicial.

#### A. Statutory Authority

##### (1) The Internal Revenue Code

The Internal Revenue Code is the statutory foundation of all federal tax authority, except for occasional uncodified provisions and certain international issues covered in tax treaties with foreign countries. Prior to 1939, each individual revenue act passed by Congress amounted to a complete reenactment of the entire tax law. In 1939, however, all federal tax law was consolidated into Title 26 of the United States Code as the Internal Revenue Code of 1939, and subsequent revenue acts were used to amend the 1939 Code. By 1954, the growth of federal taxation led Congress to completely revise the 1939 Code. The Internal Revenue Code of 1954 was that revision. Despite frequent amendments, the designation "1954"

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**KJ Lindholm-Leary**



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