

51A Middle Street Newburyport MA 01950 Phone: 800-588-7039 Fax: 877-902-4284 contact@bhfe.com www.bhfe.com

Course Information

Course Title: Business Travel and Entertainment #492321

Recommended CPE credit hours for this course

In accordance with the standards of the National Registry of CPE Sponsors and the IRS, CPE credits have been granted based on a 50-minute hour.

CPA 2 (Accepted in all states)

National Registry of CPE Sponsors ID Number: 107615.

Sponsor numbers for states requiring sponsor registration:

Florida Division of Certified Public Accountancy: 4761 (Ethics #11467)

Hawaii Board of Public Accountancy: 14003

New York State Board of Accountancy (for ethics): 002146

Ohio State Board of Accountancy: M0021 Pennsylvania Board of Accountancy: PX178025 Texas State Board of Accountancy: 009349

EA/OTRP 2 (All States) IRS: Qualified Sponsor number: FWKKO.

CLU, ChFC Professional Recertification 2

Course Description

Taxpayers are once again looking to CPAs for guidance and planning related to travel and entertainment expenses. This comprehensive mini-course examines and explains the practical aspects of business travel and entertainment deductions. To determine the expenses that taxpayers are able to deduct, fundamentals are reviewed and planning opportunities are identified. Practitioners will learn to master the proper administration of these complex and often cumbersome provisions.

Program Delivery Method: Self-Study (NASBA QAS Self-Study/interactive)

Subject Codes/Field of Study

NASBA (CPA): Taxes.

IRS (EA, OTRP): Federal Tax Law.

Course Level, Prerequisites, and Advance Preparation Requirements

Program Level: Overview.

This program is appropriate for professionals at all organizational levels.

Prerequisites: Basic familiarity with federal taxation

Advance Preparation: None

Course Content

Publication/Revision Date: 2/8/2021.

Author: Danny Santuccci, J.D.

Final exam (online): Ten questions (multiple-choice).

Instructions for taking this course

Note: Download and save the PDF of this course to your computer to enable the search function (Menu: Edit>Find) and bookmarks (icon on left side of document window) for easier navigation.

You must complete this course within one year of the date of purchase (if you do not complete the course within one year, contact us to determine whether an updated edition of the course is available, in which case we will provide you with a PDF of the updated course and the online exam at no charge).

A passing grade of at least 70% is required on the final exam for this course. You may retake the exam if you do not pass it on the first attempt (no charge).

Complete the course by following the learning objectives listed on the following page, studying the text, and studying the review questions at the end of each major section (or at the end of the course). Once you have completed studying the course and you are confident that the learning objectives have been met, answer the final exam questions (online).

Instructions for Taking the Final Exam Online

- Login to your account online at www.bhfe.com.
- The exam may be started, stopped, then resumed at a later date.
- The exam is "open book," it is not timed, and it may be retaken if not passed on the first attempt (no charge).
- Results (correct, incorrect answers) and certificate appear immediately upon passing the exam.
- CFP® and EA credits are reported weekly.

Have a question? Call us at 800-588-7039 or email us at contact@bhfe.com.

Learning Assignment & Objectives

As a result of studying the assigned materials, you should be able to meet the objectives listed below.

ASSIGNMENT

At the start of the materials, participants should identify the following topics for study:

- * Transportation & travel distinguished
- * Definition of "tax home"
- * Temporary & indefinite assignments
- * Business purpose requirement for business travel
- * Convention & meetings
- * Statutory exceptions of ordinary & necessary requirement
- * Entertainment facilities
- * Employee expense reimbursement & reporting
- * Self-employed persons
- * Employers

Learning Objectives

After reading the materials, participants will be able to:

- **1.** Recognize the "away from home" requirement and related deductions, determine what constitutes transportation and travel expenses specifying the tests for tax home and recognize the differences between temporary and indefinite work assignments including their effect on a tax home.
- **2.** Identify the business purpose requirement using the 51/49 percent test, determine deductible conventions and meetings, and specify the limitations applied to meals and lodging when traveling.
- **3.** Determine what constitutes business entertainment and identify business entertainment activity deduction restrictions and disallowance.
- **4.** Specify the §274(e) exceptions to entertainment deduction disallowance, recognize the necessity of expense substantiation, and determine accountable and non-accountable plans stating the impact on deductions.

Notice

This course and test have been adapted from materials and information contained in the above text and any supplemental material provided. This course is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional advice and assumes no liability whatsoever in connection with its use. Since laws are constantly changing, and are subject to differing interpretations, we urge you to do additional research and consult appropriate experts before relying on the information contained in this course to render professional advice.



Business Travel and Entertainment

By Danny C. Santucci

The author is not engaged by this text, any accompanying electronic media, or lecture in the rendering of legal, tax, accounting, or similar professional services. While the legal, tax, and accounting issues discussed in this material have been reviewed with sources believed to be reliable, concepts discussed can be affected by changes in the law or in the interpretation of such laws since this text was printed. For that reason, the accuracy and completeness of this information and the opinions based thereon cannot be guaranteed. In addition, state or local tax laws and procedural rules may have a material impact on the general discussion. As a result, the strategies suggested may not be suitable for every individual. Before taking any action, all references and citations should be checked and updated accordingly.

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional service. If legal advice or other expert advice is required, the services of a competent professional person should be sought.

—From a Declaration of Principles jointly adopted by a committee of the American Bar Association and a Committee of Publishers and Associations.

Copyright February, 2021
Danny Santucc

Table of Contents

siness Travel	I
Transportation & Travel Distinguished	1
Travel Expenses	2
Transportation Expenses	2
Definition of "Tax Home"	2
Circuit Court Test	3
IRS Test	3
Employment Area	3
No Tax Home	3
Itinerant Worker	4
Two Work Locations	
Temporary & Indefinite Assignments	4
Temporary Assignment	
Indefinite Assignment	
Time	
Prior Law Presumptions	
One-Year IRS Presumption	
Less than Two-Year Exception	
Regular Home	
Temporary Job That Became Permanent	
Current Law - One-Year Rigid Time Rule	7
Away From Home Requirement	
Sleep & Rest Rule	
Correll Case	
Business Purpose Requirement	
All or Nothing	
Primarily for Business Test	
Time	
Other Factors	
Existing Trade or Business	
51/49 Percent Test.	
Domestic Business Travel	
Foreign Business Travel	
Personal Pleasure	
Primarily Business	
Full Deduction	
Definition of Business Day.	
Meals & Lodging	
50% Deduction Limitation.	
Conventions & Meetings	
Agenda Test	
Foreign Conventions	
Factors	
North American Area	
Allowable Expenses	
Cruises	
C1 U10C0	1

Deduction Limitation	
Reporting Statements	
Luxury Water Travel	. 13
Exceptions	. 14
Family Member Travel Expenses	. 14
Business Entertainment	. 14
Statutory Exceptions - §274(e)	. 15
Food and Beverages for Employees	
Expenses Treated as Compensation	
Reimbursed Expenses	
Recreational Expenses for Employees	
Employee, Stockholder, and Business Meetings	
Trade Association Meetings.	
Items Available to Public	
Entertainment Sold to Customers	
Expenses Includible in Income of Non-employees.	
Percentage Reduction for Meals - §274(n)(1)	
Application of Reduction Rule	
Exceptions - §274(n)(2)	
Employee Business Expenses Subject to 2% Floor Suspended	
Entertainment Facilities	
Exceptions	
Covered Expenses	
Club Dues	
OBRA '93 & TCJA	
Sales Incentive Awards	
Substantiation & Record Keeping - §274(d)	
Documentation	
Payback Agreements	
Employee Expense Reimbursement & Reporting	
TRA '86 - Unreimbursed Expenses Become Itemized Deductions	
Family Support Act - Reimbursement Without Accounting Is Income	
Accountable Plans	
Reasonable Period of Time	
Fixed Date Safe Harbor - #1	
Period Statement Safe Harbor - #2	
Adequate Accounting	
Per Diem Allowance Arrangements	. 26
Federal Per Diem Rate	. 27
Related Employer Restriction	. 31
Reporting Per Diem Allowances	. 33
Reimbursement More Than Federal Rate	. 33
Reimbursement More Than Federal Rate	. 33
Nonaccountable Plans	. 34
Self-Employed Persons Reimbursement & Reporting	
Expenses Related to Taxpayer's Business	
Reimbursed Expenses Incurred on Behalf of a Client	
With Adequate Accounting	
Without Adequate Accounting	
Employers	
When Can an Expense Be Deducted?	

Economic Performance Rule	. 37
Corporation	. 37
Nondeductible Meals	. 37
Employer-Provided Auto	. 37

Learning Objectives

After reading the materials, participants will be able to:

- 1. Recognize the "away from home" requirement and related deductions, determine what constitutes transportation and travel expenses noting the tests for tax home and recognize the differences between temporary and indefinite work assignments including their effect on a tax home.
- **2.** Identify the business purpose requirement using the 51/49 percent test, determine deductible conventions and meetings, and specify the limitations applied to meals and lodging when traveling.
- **3.** Determine what constitutes business entertainment and identify business entertainment activity deduction restrictions and disallowance.
- **4.** Specify the §274(e) exceptions to entertainment deduction disallowance, recognize the necessity of expense substantiation, and determine accountable and nonaccountable plans noting the impact on deductions.