

Impending Tax Increases

If Congress Takes No Action....

April 2009

Unless Congress takes action, the following tax increases* will automatically occur for the following tax-years:

2009:

- The net operating loss (NOL) carryback period for small businesses will decrease from 5 years to 2 years.

2010:

- The exemption for the Alternative Minimum Tax (AMT) will decrease from \$46,700 to \$33,750 for single filers and from \$70,950 to \$45,000 for married couples filing jointly.
- Taxpayers will not be allowed to deduct their state and local general sales taxes from their federal income tax.
- Businesses will not be able to claim a tax credit for research, experimentation, and development activities.
- Taxpayers will not be able to adjust their income for qualified tuition and related expenses.
- First-time homebuyers will no longer be able to claim a tax credit of up to \$7,500.
- The Section 179 business expensing cap will decrease from \$250,000 to \$125,000 (plus inflation after 2008), and the starting point for the phase-out of this deduction will decrease from \$800,000 to \$500,000.

2011:

- The marginal income tax rates will increase as follows:
 - 35% bracket will increase to 39.6%

- 33% bracket will increase to 36%
- 28% bracket will increase to 31%
- 25% bracket will increase to 28%
- 10% and 15% brackets will condense to 15%

- The capital gains rates for individuals will increase from 15% and 5% to 20% and 10%.
- Dividends will no longer be taxed at the capital gains rates for individuals, thereby increasing the double taxation of dividends by as much as 164%.
- The standard deduction for couples as a percentage of the standard deduction for singles will decrease from 200% to 167%--restoring the marriage penalty.
- The top end of the 15% marginal income tax bracket for couples as a percentage of the top end for singles will decrease from 200% to 167%--restoring the marriage penalty.
- The child tax credit will decrease from \$1,000 to \$500.
- The “death” tax using the “stepped up” basis will return with a 55% maximum rate (including surtax) and a \$1 million exemption, after years of decreasing “death” tax rates, increasing exemptions, and one year using the “carryover” basis to calculate the tax due.
- The \$400 “Making Work Pay Credit” will expire.

*This list is not exhaustive. For a more exhaustive list, see this webpage: <http://www.jct.gov/x-20-09.pdf>.

Sources for the above information: Joint Committee on Taxation and Americans for Tax Reform.

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