



# Transfer Pricing and Valuation in Corporate Taxation: Federal Legislation vs. Administrative Practice

*Elizabeth King*

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## **Transfer Pricing and Valuation in Corporate Taxation: Federal Legislation vs. Administrative Practice** Elizabeth King

Transfer Pricing and Valuation in Corporate Taxation analyzes the disparities between both federal statutes and regulations, and regulations and administrative practice, in a highly controversial area of corporate tax policy: intra-company transfer pricing for tax purposes. It addresses issues that often mean millions of dollars to individual corporations, and a significant fraction of the federal government's revenue base. These disparities between law, regulations, and administrative practice are concerning on a number of grounds. First, they pose considerable economic costs by inducing corporations to engage in a variety of "rent-seeking" activities designed to reduce their expected tax liabilities, and by requiring the IRS to devote still more to enforcement efforts that are very often futile. Second, they are inherently undemocratic. Administrative practice is currently ad hoc by relying on dispute resolution procedures that can and do yield very different settlements on disputed tax issues from one case to another, the IRS often ends up treating similarly situated corporations very differently. Moreover, to the extent that the disparity between statute and implementation reflects the IRS's failure to carry out Congress' will, the laws passed by duly elected officials are effectively being superseded by administrative procedure, developed incrementally by individuals who are not answerable to an electorate.

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