

TABLE OF CONTENTS

List of Figures and Tables xii

Foreword 1

Preface 2

Author Biographies 5

Acknowledgments 7

CHAPTER I

Introduction 8

Life Insurance Defined 10

A Note on Authorities 14

CHAPTER II

**The Requirements for Qualification as "Life Insurance"
under the Internal Revenue Code 15**

Basic Principles of Sections 7702 and 7702A 15

Applicable Law Requirement 16

Actuarial Limitations under Sections 7702 and 7702A 19

Cash Value Accumulation Test 24

Guideline Premium/Cash Value Corridor Test 28

Choice of Tests 32

Modified Endowment Contracts (MECs) under Section 7702A 34

Taxation of Pre-Death Distributions 37

Calculation Methods 41

Sample At Issue Calculations 46

CHAPTER III

**Computing the Section 7702 and 7702A Limitations:
Interest, Mortality, and Expense Assumptions 47**

Interest	48
Statutory Limits on Mortality	54
The 2001 CSO Mortality Table	59
Substandard Mortality	64
Defining Mortality in Calculations	68
Expense Charges	71

CHAPTER IV

**Computing the Section 7702 and 7702A Limitations:
Future Benefits, Death Benefits, and Qualified Additional Benefits 74**

Computational Rules: Limiting "Future Benefits"	74
Section 7702(e)(2)(A) and (B) Alternative Death Benefit Rules	77
Computational Rules for the 7-Pay Premium	81
Summary of Computational Rules under Sections 7702 and 7702A	83
Qualified Additional Benefits	83
Term Insurance Riders on the Insured: Death Benefit or QAB Treatment	86
Application of Reasonable Mortality and Expense Limitations to QABs	88
Treatment of Additional Benefits That Are Not QABs	89

CHAPTER V

**Computing the Section 7702 and 7702A Limitations:
Adjustments, Material Changes, and Exchanges 91**

Adjustment Events Defined	91
Adjustments under the Cash Value Accumulation Test	94
Attained Age Increment and Decrement Rule for Guideline Premiums	95
Sample Adjustment Calculations	99
Adjustment Rule Waivers	102
Adjustments under Section 7702A	103
Necessary Premiums	107
Summary of Adjustment Rules under Sections 7702 and 7702A	112
Option 2 and Death Benefit Option Changes	113
Sample Option Change Calculations	114
Recapture Ceiling Rules under Section 7702(B)-(E)	118
Grandfathering, Exchanges, and Contract Modifications	122
Assumption Reinsurance, Rehabilitations, and Corporate Reorganizations	127

CHAPTER VI

Specific Product Issues	130
Variable Life	130
Multiple-Life Plans	133
Paid-Up Life Riders and Combination Plans	137
Interest-Sensitive Whole Life and Fixed-Premium Universal Life	138
Group Universal Life (GUL)	141
Accelerated Death Benefits and Long-Term-Care Riders	142
Special Products	145

CHAPTER VII

Failed Contracts and Unintentional Modified Endowment Contracts (MECs): Corrections of Errors, Waivers, and Closing Agreements	151
Section 101(f) and 7702 Failures	152
Waiver and Closing Agreement Processes	154
Correction of Unintentional MECs	159
Waivable Errors and the Causes of Noncompliance	165
Treatment of Failed Contracts or Unintentional MECs in an Acquisition	171

CHAPTER VIII

The Development of the Tax Law's Limitations on Life Insurance: History and Precedents	175
Development of Cash Surrender Values and Their Tax Treatment	176
The Development of an Economic Definition of Life Insurance	184
The Limitations on Financed Life Insurance	187
Universal Life and the Product Revolution: The Rise of a Statutory Definition of Life Insurance	192
Section 101(f)	195
Section 7702	197
Section 7702A	198

CHAPTER IX

Tax Policy and the Taxation of Life Insurance Contracts 203

Tax Policy and the Impact of a Comprehensive Income Tax 203

Inside Buildup of Permanent Life Insurance Contracts 206

The Limitations on Inside Buildup 208

Glossary 218**Appendices 233****Index 331**