

Contents

<i>An Introductory Note to Students</i>	<i>xiii</i>
<i>Acknowledgments</i>	<i>xv</i>

Chapter 1	Introduction	I
	A. Introduction to Terminology and Structure	2
	B. Time Value of Money and the Value of Deferring Tax	11
	C. Alternative Tax Bases: Consumption Tax and Value Added Tax	18
	D. Tax Administration and Litigation	24
	E. Tax Legislation	31
	F. Tax Research	33
Chapter 2	Some Characteristics of Gross Income	37
	A. The Haig-Simons Definition of Income	37
	B. Noncash Compensation: Fringe Benefits	39
	1. Employer-Provided Meals and Lodging	39
	2. Employer-Provided Insurance and Health, Accident, and Death Benefits	46
	3. The Section 132 Exclusion for Miscellaneous Fringe Benefits	50
	C. Imputed Income	63
	D. Windfalls, Gifts, Tips and Overtime Pay, Scholarships, Prizes, and Transfer Payments	66
	1. Windfalls	66
	2. Gifts and Bequests	68
	3. Tips and Overtime Pay	74
	4. Scholarships, Prizes, and Awards	75
	5. Transfer Payments	77
	E. Selected Recovery of Capital Issues: Partial Sales, Annuities, Insurance, Gambling, Life Estates, and Remainder Interests	79
	1. Partial Sales	79
	2. Annuities	81
	3. Life Insurance	88
	4. Gambling Winnings and Losses	91
	5. Life Estates and Remainder Interests	95

Contents

	F. Annual Accounting	97
	G. Personal Injury Recoveries	102
	H. Transactions Involving Loans and Income from Discharge of Indebtedness	112
	I. Tax-Exempt Bonds	123
	J. Gain from the Sale of a Personal Residence	124
Chapter 3	Problems of Timing	127
	A. Gains and Losses from Investment in Property	128
	1. Realization of Gains and Losses	128
	2. Recognition of Gains and Losses	130
	a. Like-Kind Exchanges	131
	b. Other Nonrecognition Rules	144
	B. Transfers Incident to Marriage and Divorce	147
	C. Installment Sale and Open Transaction Reporting	153
	D. Original Issue Discount	158
	E. The Cash Method of Accounting	165
	F. Section 83 Transfers	174
	G. The Accrual Method of Accounting	183
Chapter 4	Personal Deductions and Credits	189
	A. Introduction	189
	B. Casualty Losses	196
	C. Extraordinary Medical Expenses	200
	D. Charitable Contributions	211
	E. Personal Interest	224
	F. Taxes	228
Chapter 5	Deductions for the Costs of Earning Income	233
	A. The Statutory Framework	234
	B. Current Expenses versus Capital Expenditures	236
	C. Repair and Maintenance Expenses	246
	D. Inventory Accounting	251
	E. Rent Payments versus Installment Purchase	258
	F. Goodwill and Other Intangible Assets	262
	G. “Ordinary and Necessary” Expenses	265
	1. The Scope of “Ordinary and Necessary”	265
	2. Reasonable Compensation	267
	3. Costs Associated with Illegal or Unethical Activities	269
	a. The §162 Limitations	269
	b. Application of the §280E Limitation to Businesses that Sell Marijuana	271

Contents

H. Depreciation and the Accelerated Cost Recovery System	273
I. Depletion Deductions	289
J. Tax Shelters	291
1. The Characteristics of Tax Shelters	291
2. The Judicial Response to Tax Shelters	293
3. The Congressional Response to Tax Shelters	300
a. The Investment Interest Limitation of §163(d)	301
b. The Passive Loss Rules of §469	304
c. The At-Risk Rules of §465	315
d. The Limitations of §§264 and 265	324
4. Sale and Leaseback Transactions	327
5. Corporate and Individual Tax Shelters of the 1990s	331
K. Alternative Minimum Tax	335
L. The Qualified Business Income Deduction	337
 Chapter 6	 Mixed Personal and Business Expenditures
	347
A. Controlling the Abuse of Business Deductions	348
1. Hobby Losses	348
2. Rental of a Dwelling Used by the Taxpayer	355
3. Home Offices, Computers, and Automobiles	362
B. Travel and Entertainment Expenses	367
C. Childcare Expenses	374
D. Commuting Expenses	379
E. Legal Expenses	382
F. Educational Expenses	385
 Chapter 7	 Income Shifting
	397
A. Income from Services and Property	397
B. Trusts	408
C. Grantor Trusts	412
D. Below-Market Loans	417
 Chapter 8	 Capital Gains and Losses
	421
A. The Tax Treatment of Capital Gains and Losses	421
B. Policy Rationale for the Treatment of Capital Gain and Loss	427
C. The Definition of “Capital Asset”	429
D. Section 1231 and Depreciation Recapture	441
E. Substitutes for Ordinary Income	447
F. The Tax on Net Investment Income	453
G. The Sale of a Business	457
H. Connected Current and Prior Transactions	461

Contents

<i>Appendix: Sample Examinations</i>	463
<i>Table of Cases</i>	555
<i>Table of Internal Revenue Code Sections</i>	557
<i>Table of Treasury Regulations</i>	569
<i>Table of Other Administrative Pronouncements</i>	573
<i>Topical Index</i>	575