

ABSTRACT

In today's rapidly evolving, technologically-focused economy, a higher education degree is a near-requirement in order to enter a professional field and earn a livable wage. As currently written, however, the Internal Revenue Code (the Code) disallows cost recovery for higher education expenditures in nearly all situations. The failure of the Code to allow cost recovery of higher education expenditures, while broadly providing for cost recovery of other expenditures, has ramifications for the equitable tax treatment of education costs and the long-term prospects of our economy. This Article advocates an amendment to the Code to allow cost recovery of higher education expenditures through amortization.

I. INTRODUCTION

As currently written, the Code disallows deductions for education expenditures in all but a few limited circumstances.¹ And the Code does not allow taxpayers to amortize these costs in any situation.² Specifically, cost recovery is disallowed for expenditures for education that enable the taxpayer to meet the minimum educational requirements of a trade or business or qualify for a new trade or business.³ The Code does, however, allow cost recovery of expenditures for education necessary to satisfy formal conditions for employment retention or for the maintenance or improvement of vital skills.⁴ The distinction between nondeductible and deductible education expenses hinges on the Code's classification of the former as "personal expenditures or . . . an inseparable aggregate of personal and capital

† Judicial Law Clerk, Hon. Jonathan W. Feldman, J.D., *cum laude*, Boston College Law School, 2017. B.A., Syracuse University, 2014.

1. See Treas. Reg. § 1.162-5 (as amended in 1967).

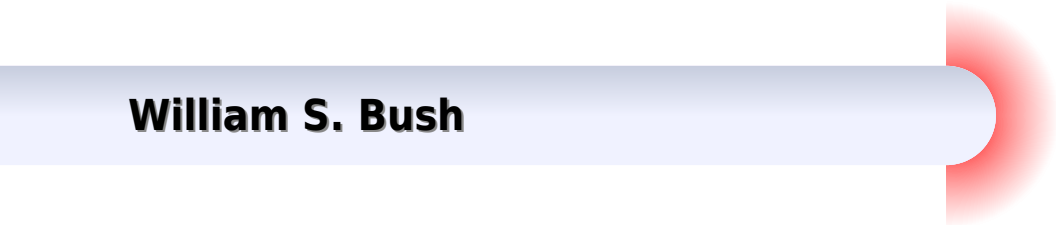
2. See *Wright v. Comm'r*, 32 T.C.M. (CCH) 31 (1973) (stating that because "acquiring an education increases . . . earning capacity," any deduction must be taken under § 162); see also *Sharon v. Comm'r (Sharon II)*, 591 F.2d 1273, 1275 (9th Cir. 1978) (affirming the Tax Court's finding that college and law school expenses were nondeductible personal expenditures and therefore could not be deducted or amortized). Courts and the regulations specifically deny a deduction for education expenditures under any Code section other than 162. See Treas. Reg. § 1.262-1(b)(9) (as amended in 2014) ("Expenditures made by a taxpayer in obtaining an education or in furthering his [or her] education are not deductible unless they qualify under [§] 162 and § 1.162-5"); David S. Davenport, *Education and Human Capital: Pursuing an Ideal Income Tax and a Sensible Tax Policy*, 42 CASE W. RES. L. REV. 793, 807 (1992) (noting that courts and the regulations deny an education expense deduction under every Code section except § 162).

3. Treas. Reg. § 1.162-5(b)(2).

4. *Id.* § 1.162-5(b)(1).

Texas Law Review Vol 81 No 6 May 2003

William S. Bush



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The Gloves-off Economy Annette D. Bernhardt, 2008 Across the United States increasing numbers of employers are breaking bending or evading long established laws and standards designed to protect workers from the minimum wage to job safety standards to the right to organize This gloves off economy no longer confined to a marginal set of sweatshops and fly by night small businesses is sending shock waves into every corner of the low wage labor market In the process employers who play by the rules are under growing pressure to follow suit intensifying the search for low cost business strategies across a wide range of industries and ratcheting up into ever higher reaches of the labor market Although other books have touched on pieces of this problem The Gloves off Economy is the first to provide a comprehensive integrated analysis and quite a disturbing one This book examines a range of gloves off practices the workers who are affected by them and strategies for enforcing workplace standards The editors four respected labor scholars have brought together economists sociologists labor attorneys union strategists and other experts to offer varying perspectives on both the problem and the creative solutions currently being explored in a wide range of communities and industries Annette Bernhardt Heather Boushey Laura Dresser and Chris Tilly and the volume s other authors combine rigorous analysis with a stirring call to renew worker protections in the twenty first century

Issues in Race and Ethnicity CQ Press, 2007 In the tradition of nonpartisanship and current analysis that is the hallmark of Congressional Quarterly *Issues in Race and Ethnicity* investigates twelve controversial and important policy issues centering on race and ethnicity Each article gives substantial background as well as current analysis of the issue in addition to a pro con box that examines two competing sides of a single question a detailed chronology an annotated bibliography and Web resources Book jacket

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Volume 127, Number 6 - April 2014 Harvard Law Review, 2014-04-10 The contents of Number 6 Apr 2014 include scholarly articles and student research as well as as the extensive annual survey of Developments in the Law This year s subject is SEXUAL ORIENTATION AND GENDER IDENTITY Topics include Pro Gay and Anti Gay Speech in Schools Transgender Youth and Access to Gendered Spaces in Education Classification and Housing of Transgender Inmates in American Prisons Animus and Sexual Regulation and Progress Where You Might Least Expect It The Military s Repeal of Don t Ask Don t Tell Each year the special Developments issue serves in effect as a new and detailed book on a cutting edge legal subject The issue also includes an article by Jill C Anderson Misreading Like a Lawyer Cognitive Bias in Statutory Interpretation and an article by Ryan Bubb Richard H Pildes How Behavioral Economics Trims Its Sails and Why In addition student case notes explore Recent Cases on such diverse subjects as false advertising by disseminating scientific literature free speech rights of professors in public universities voter identification laws sentencing by imposing the condition of penile plethysmography aiding and abetting violations in international law and whether intercepting unencrypted wi fi violates the Wiretap Act A further student work explores the recent administrative policy of the Social Security Administration s

eliminating a surgical requirement for changing trans individuals gender designation and another explores a recent administration white paper on national security and whether bulk metadata collection violates the USA PATRIOT Act Finally the issue features several summaries of Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked notes active URLs in notes and proper ebook and Bluebook formatting The contents of Number 6 Apr 2014 include scholarly essays by leading academic figures as well as substantial student research The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship The organization is formally independent of the Harvard Law School Student editors make all editorial and organizational decisions *Issues in Race, Ethnicity, and Gender* CQ Press,CQ Press Editors,2005 The 16 CQ Researcher articles reprinted in this book are reproduced essentially as they appeared when first published in this weekly U S policy brief Each article chronicles and analyzes past legislative and judicial action in addition to current and possible future maneuvering In the second edition more than half of the reports are new while *Genocide* Larry May,2010-02-26 Larry May examines the normative and conceptual problems concerning the crime of genocide Genocide arises out of the worst of horrors Legally however the unique character of genocide is reduced to a technical requirement that the perpetrator s act manifest an intention to destroy a protected group From this definition many puzzles arise How are groups to be identified and why are only four groups subject to genocide What is the harm of destroying a group and why is this harm thought to be independent of killing many people How can a person in the dock as an individual be responsible for a collective crime like genocide How should we understand the specific crimes associated with genocide especially instigation incitement and complicity Paying special attention to the recent case law concerning the Rwanda genocide May offers the first philosophical exploration of the crime of genocide in international criminal law *Lincoln and Citizens' Rights in Civil War Missouri* Dennis K. Boman,2011 During the Civil War the state of Missouri presented President Abraham Lincoln United States military commanders and state officials with an array of complex and difficult problems Although Missouri did not secede a large minority of residents owned slaves sympathized with secession or favored the Confederacy Many residents joined a Confederate state militia became pro Confederate guerrillas or helped the cause of the South in some subversive manner In order to subdue such disloyalty Lincoln supported Missouri s provisional Unionist government by ordering troops into the state and approving an array of measures that ultimately infringed on the civil liberties of residents In this thorough investigation of these policies Dennis K Boman reveals the difficulties that the president military officials and state authorities faced in trying to curb traitorous activity while upholding the spirit of the United States Constitution Boman explains that despite Lincoln s desire to disentangle himself from Missouri policy matters he was never able to do so Lincoln s challenge in Missouri continued even after the United States Army defeated the state s Confederate militia Attention quickly turned to preventing Confederate guerrillas from attacking Missouri s railway system and from ruthlessly murdering pillaging and terrorizing loyal inhabitants Eventually

military officials established tribunals to prosecute captured insurgents In his role as commander in chief Lincoln oversaw these tribunals and worked with Missouri governor Hamilton R Gamble in establishing additional policies to repress acts of subversion while simultaneously protecting constitutional rights an incredibly difficult balancing act For example while supporting the suppression of disloyal newspapers and the arrest of persons suspected of aiding the enemy Lincoln repealed orders violating property rights when they conflicted with federal law While mitigating the severity of sentences handed down by military courts Boman shows Lincoln advocated requiring voters and officeholders to take loyalty oaths and countenanced the summary execution of guerrillas captured with weapons in the field One of the first books to explore Lincoln's role in dealing with an extensive guerrilla insurgency Lincoln and Citizens Rights in Civil War Missouri illustrates the difficulty of suppressing dissent while upholding the Constitution a feat as complicated during the Civil War as it is for the War on Terror *Current Law Index*, 2007

The Keloids We Heal Sarah Soanirina Ohmer, 2025-05-13 The corporeal and spiritual healing in literature by women of colors can be seen to redefine modern thought and printed text Sarah Soanirina Ohmer traces the impact of colonization and enslavement on Black women and Black women's contributions to colonial nineteenth and twentieth century literature in the US Brazil and West Indies Her analysis unlocks the literature's power to heal through gut wrenching descriptions of wounds and thrilling passages of hope and liberation Drawing on intersectional analysis Ohmer focuses on portrayals of trauma and spirituality in works by Toni Morrison Conceição Evaristo Maryse Condé Gloria Anzaldúa the Quilombhoje poets and María de los Reyes Castillo Ohmer compares literature from different countries along four thematic pathways ghosts mirrors naming and motherhood Her analysis unlocks the literature's power to heal through gut wrenching descriptions of wounds and thrilling passages of hope and liberation Throughout Ohmer weaves in her life story as a Black woman as she reflects on how colonialism racism sexism and capitalism have impacted her work traumas and faith journey [Who Gets a Childhood?](#) William S. Bush, 2010-09-15 Using Texas as a case study for understanding change in the American juvenile justice system over the past century William S Bush tells the story of three cycles of scandal reform and retrenchment each of which played out in ways that tended to extend the privileges of a protected childhood to white middle and upper class youth while denying those protections to blacks Latinos and poor whites On the forefront of both progressive and get tough reform campaigns Texas has led national policy shifts in the treatment of delinquent youth to a surprising degree Changes in the legal system have included the development of courts devoted exclusively to young offenders the expanded legal application of psychological expertise and the rise of the children's rights movement At the same time broader cultural ideas about adolescence have also changed Yet Bush demonstrates that as the notion of the teenager gained currency after World War II white middle class teen criminals were increasingly depicted as suffering from curable emotional disorders even as the rate of incarceration rose sharply for black Latino and poor teens Bush argues that despite the struggles of reformers child advocates parents and youths themselves to make juvenile justice

live up to its ideal of offering young people a second chance the story of twentieth century juvenile justice in large part boils down to the exclusion of poor and nonwhite youth from modern categories of childhood and adolescence **Courts, Justice, and Efficiency** Hector Fix-Fierro, 2003-12-31 This study explores the socio legal context of economic rationality in the legal and judicial systems It examines the meaning and relevance of the concept of efficiency for the operation of courts and court systems seeking to answer questions such as in what sense can we say that the adjudicative process works efficiently What are the relevant criteria for the measurement and assessment of court efficiency Should the courts try to operate efficiently and to what extent is this viable What is the proper relationship between efficiency and justice considerations in a judicial proceeding To answer these questions a conceptual framework is developed on the basis of empirical studies and surveys carried out mainly in the United States Western Europe and Latin America Two basic ideas emerge from it First economic rationality has penetrated the legal and judicial systems at all levels and dimensions from the level of society as a whole to the day to day operation of the courts from the institutional dimension of adjudication to the organizational context of judicial decisions Far from being an alien value in the judicial process efficiency has become an inseparable part of the structure of expectations we place on the legal system Second economic rationality is not the prevalent value in legal decision making as it is subject to all kinds of constraints local conditions and concrete negotiations with other values and interests

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