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AUTHORITY: 26 U.S.C. 7805, unless otherwise noted.
Section 1.61-2T also issued under 26 U.S.C. 61.
Section 1.61-2I also issued under 26 U.S.C. 61.
Sections 1.62-1T and 1.62-2 also issued under 26 U.S.C. 62;
Sections 1.67-2T and 1.67-3T also issued under 26 U.S.C. 67(c);
Section 1.67-3 also issued under 26 U.S.C. 67(c).
Sections 1.72-4, 1.72-5, 1.72-6, 1.72-7, 1.72-8, and 1.72-11 also issued under 26 U.S.C. 72(c).
Section 1.101-7 also issued under 26 U.S.C. 101(d)(2)(B)(ii);
Section 1.103-10 also issued under 26 U.S.C. 103(b)(6);
Section 1.103A-2 also issued under 26 U.S.C. 103A(j);
Section 1.108-1 also issued under 26 U.S.C. 108(e)(8) and 108(e)(10)(B);
Section 1.108-2 also issued under 26 U.S.C. 108;
Section 1.108-3 also issued under 26 U.S.C. 108, 267, and 1502.
Section 1.108-4 also issued under 26 U.S.C. 108.
Section 1.108-5 also issued under 26 U.S.C. 108.
Section 1.108(c)-1 also issued under the authority of 26 U.S.C. 108(d)(9);
Section 1.110-1 also issued under 26 U.S.C. 110(d);
Section 1.118-2 also issued under 26 U.S.C. 118(c)(3)(A);
Sections 1.132-0 through 1.132-8T also issued under 26 U.S.C. 132;
Sections 1.148-0 through 1.148-11 also issued under 26 U.S.C. 148 (f), (g), and (i);
Sections 1.148-6 also issued under 26 U.S.C. 148 (f), (g), and (i);
Section 1.149(b)-1 also issued under 26 U.S.C. 149(b)(3)(B) (v);
Section 1.149(d)-1 also issued under 26 U.S.C. 149(d)(7);
Section 1.149(e)-1 also issued under 26 U.S.C. 149(e);
Section 1.149(g)-1 also issued under 26 U.S.C. 149(g)(5);
Sections 1.150-4 also issued under 26 U.S.C. 150 (c)(5);
Section 1.163-8T also issued under 26 U.S.C. 469(k)(4);

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Section 1.163-9T also issued under 26 U.S.C. 163(h)(3)(D);
Section 1.163-11T is also issued under 26 U.S.C. 163(h);
Section 1.165-12 also issued under 26 U.S.C. 165(j)(3);
Section 1.166-10 also issued under 26 U.S.C. 166(f);
Section 1.168(d)-1 also issued under 26 U.S.C. 168(d)(3);
Section 1.168(f)(8)-1T also added under sec. 112(c), Black Lung Benefits Revenue Act of 1981 (Pub. L. 97-119);
Section 1.168(h)-1 also issued under 26 U.S.C. 168.
Section 1.168(i)-1 also issued under 26 U.S.C. 168(i)(4).
Section 1.168(i)-2 also issued under 26 U.S.C. 168.
Section 1.168(j)-1T also added under 26 U.S.C. 168(j)(10);

SOURCE: T.D. 6500, 25 FR 11402, Nov. 26, 1960; 25 FR 14021, Dec. 21, 1960, unless otherwise noted.

COMPUTATION OF TAXABLE INCOME

DEFINITION OF GROSS INCOME, ADJUSTED GROSS INCOME, AND TAXABLE INCOME

§ 1.61-1 Gross income.

(a) *General definition.* Gross income means all income from whatever source derived, unless excluded by law. Gross income includes income realized in any form, whether in money, property, or services. Income may be realized, therefore, in the form of services, meals, accommodations, stock, or other property, as well as in cash. Section 61 lists the more common items of gross income for purposes of illustration. For purposes of further illustration, § 1.61-14 mentions several miscellaneous items of gross income not listed specifically in section 61. Gross income, however, is not limited to the items so enumerated.

(b) *Cross references.* Cross references to other provisions of the Code are to be found throughout the regulations under section 61. The purpose of these cross references is to direct attention to the more common items which are included in or excluded from gross income entirely, or treated in some special manner. To the extent that another section of the Code or of the regulations thereunder, provides specific treatment for any item of income, such

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other provision shall apply notwithstanding section 61 and the regulations thereunder. The cross references do not cover all possible items.

(1) For examples of items specifically included in gross income, see Part II (section 71 and following), Subchapter B, Chapter 1 of the Code.

(2) For examples of items specifically excluded from gross income, see part III (section 101 and following), Subchapter B, Chapter 1 of the Code.

(3) For general rules as to the taxable year for which an item is to be included in gross income, see section 451 and the regulations thereunder.

§ 1.61-2 Compensation for services, including fees, commissions, and similar items.

(a) *In general.* (1) Wages, salaries, commissions paid salesmen, compensation for services on the basis of a percentage of profits, commissions on insurance premiums, tips, bonuses (including Christmas bonuses), termination or severance pay, rewards, jury fees, marriage fees and other contributions received by a clergyman for services, pay of persons in the military or naval forces of the United States, retired pay of employees, pensions, and retirement allowances are income to the recipients unless excluded by law. Several special rules apply to members of the Armed Forces, National Oceanic and Atmospheric Administration, and Public Health Service of the United States; see paragraph (b) of this section.

(2) The Code provides special rules including the following items in gross income:

(i) Distributions from employees' trusts, see sections 72, 402, and 403, and the regulations thereunder;

(ii) Compensation for child's services (in child's gross income), see section 73 and the regulations thereunder;

(iii) Prizes and awards, see section 74 and the regulations thereunder.

(3) Similarly, the Code provides special rules excluding the following items from gross income in whole or in part:

(i) Gifts, see section 102 and the regulations thereunder;

(ii) Compensation for injuries or sickness, see section 104 and the regulations thereunder;

(iii) Amounts received under accident and health plans, see section 105 and the regulations thereunder;

(iv) Scholarship and fellowship grants, see section 117 and the regulations thereunder;

(v) Miscellaneous items, see section 122.

(b) *Members of the Armed Forces, National Oceanic and Atmospheric Administration, and Public Health Service.* (1) Subsistence and uniform allowances granted commissioned officers, chief warrant officers, warrant officers, and enlisted personnel of the Armed Forces, National Oceanic and Atmospheric Administration, and Public Health Service of the United States, and amounts received by them as commutation of quarters, are excluded from gross income. Similarly, the value of quarters or subsistence furnished to such persons is excluded from gross income.

(2) For purposes of this section, quarters or subsistence includes the following allowances for expenses incurred after December 31, 1993, by members of the Armed Forces, members of the commissioned corps of the National Oceanic and Atmospheric Administration, and members of the commissioned corps of the Public Health Service, to the extent that the allowances are not otherwise excluded from gross income under another provision of the Internal Revenue Code: a dislocation allowance, authorized by 37 U.S.C. 407; a temporary lodging allowance, authorized by 37 U.S.C. 405; a temporary lodging expense, authorized by 37 U.S.C. 404a; and a move-in housing allowance, authorized by 37 U.S.C. 405. No deduction is allowed under this chapter for any expenses reimbursed by such excluded allowances. For the exclusion from gross income of—

(i) Disability pensions, see section 104(a)(4) and the regulations thereunder;

(ii) Miscellaneous items, see section 122.

(3) The per diem or actual expense allowance, the monetary allowance in lieu of transportation, and the mileage allowance received by members of the Armed Forces, National Oceanic and Atmospheric Administration, and the Public Health Service, while in a travel