

University of Lisbon Law School

U.S. INTERNATIONAL TAX LAW

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Professor Fadi Shaheen

## Syllabus

Sections of the Internal Revenue Code are available online [here](#)

Sections of Treasury regulations are available online [here](#)

The Portugal-U.S. income tax treaty and protocol are available online [here](#)

Not all listed provisions will be discussed in class. Most provisions will be discussed at a very general level.

It is recommended **not** to read the listed provisions before class.

### I. GENERAL

#### 1. Introduction

#### 2. Jurisdiction to Tax

Code and regulations: §§1(a), 2(d), 11(a)&(d); 61(a), 63(a), 871(a), (b); 881(a), 882(a); 7701(a)(1), (a)(4), (a)(5), (a)(30), (b); 301.7701(b)-1(a), -1(c), -1(e) ex.1-3, -2.

Portugal-U.S. treaty: Article 1; Protocol paragraph 1; Article 4.

#### 3. The Source of Income

Code and regulations: §§861(a)(1), (2)(A)&(B), (3), (4), (5), (6) & (9); 862(a); 863(a)&(b); 864(a); 865(a), (b), (d), (e) & (g); 884(f)(1)&(2)

#### 4. The Allocation of Deductions

Code and regulations: §§861(b), 862(b), 863(a), 864(e)

### II. U.S. INCOME OF NON-U.S. TAXPAYERS – INBOUND TAXATION

#### 5. The Taxation of Non-Business Income

Code and regulations: §§871(a), (d), (h), (i), (j); 872(a); 881(a), (c), (d); 882(b); 884(a); 1441(a), (b), (c)(a)(1), (10) & (11); 1442(a); 1461; 1462; 1463; 894, 7852(d), 6114; 1.871-7; 1.881-2; 1.1441-2(b)(1)&(2)

Portugal-U.S. treaty: Articles 1, 2, 4(1), 6, 10, 11, 13, 24

**6. The Taxation of Business Income**

Code and regulations: §§864(a), (b), (c); 865(a), (e)(2), (g); 871(b), (d); 872(a); 873(a); 875; 882(a)-(d); 897(a)-(c); 894, 7852(d), 6114; 1446; 1.1441-2(b)(2); 59A; 267A

Portugal-U.S. treaty: Articles 5, 6, 7, 12, 14(3), 15, 16, 24

III. NON-U.S. INCOME OF U.S. TAXPAYERS – OUTBOUND TAXATION

**7. The Foreign Tax Credit (FTC)**

Code and regulations: §§27; 164(a)(3), 275(a)(4); 901(a), (b); old 902(a); 903; 904(a), (b), (c) & (d); 1.901-2; 1.903-1.

Portugal-U.S. treaty: Article 25

**8. Anti-Deferral, Exemption, and CFC Rules (Subpart F and GILTI)**

Code and regulations: §§951-960; 245A; 250; 1291-1298

**9. Constraints on Deductibility**

§§163(e)(3), 267(a)(3); 163(j); 267A, 245A(e); 59A