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§ 2033.]

324

Section 2039 of the Code provides, in part, as follows:

(c) EXEMPTION OF ANNUITIES UNDER CERTAIN TRUSTS AND PLANS.—Notwithstanding the provisions of this section or of any provision of law, there shall be excluded from the gross estate the value of an annuity or other payment receivable by any beneficiary (other than the executor) under—

(1) an employees' trust (or under a contract purchased by an employees' trust) forming part of a pension, stock bonus, or profit-sharing plan which, at the time of the decedent's separation from employment (whether by death or otherwise), or at the time of termination of the plan if earlier, met the requirements of section 401(a); \* \* \*

The exclusion provided under 2039(c) of the Code is applicable to situations in which *the decedent* was an employee-participant in one of the designated "qualified plans" or a party to an annuity contract purchased by his employer. Subsection (c)(1), for example, refers to "the decedent's separation from employment." Subsection (c)(1) also requires as a condition for exclusion that the payment receivable by the beneficiary be receivable under an employee's trust forming part of a "qualified plan."

Neither of these requirements is satisfied in the present case. The decedent was not an employee-participant in the profit-sharing plan. The decedent's community property interest is receivable by her executor and becomes part of her probate estate. It will be distributable thereafter under her will or by an intestate distribution.

Accordingly, it is held, under the above circumstances, that the value of the decedent's community property interest in the trust forming part of a "qualified plan" is includible in her gross estate under section 2033 of the Code and that section 2039(c) is inapplicable to exclude such interest.

(Also Section 2031; 20.2031-1.)

Rev. Rul. 67-370

A defeasible remainder interest in trust which is subject to termination at the will of another is an interest in property within the meaning of section 2033 of the Internal Revenue Code of 1954, and the value of such interest is includible in the remainderman's gross estate if the interest was not terminated prior to his death.

Advice has been requested whether a certain remainder interest in trust which may be terminated at the will of another is an interest in property within the meaning of section 2033 of the Internal Revenue Code of 1954.

Under the terms of an inter vivos trust, controlled by New York law, the decedent or his estate was to receive the principal upon the death of the settlor. The settlor had reserved the right to modify, alter, or revoke the trust during her lifetime. Subsequent to the decedent's death, the settlor modified the trust and extinguished the estate's defeasible remainder interest.

Section 2033 of the Code provides as follows:

The value of the gross estate shall include the value of all property to the extent of the interest therein of the decedent at the time of his death.

Section 20.2033-1(a) of the Estate Tax Regulations provides, in part, as follows:

*In general.* The gross estate of a decedent \* \* \* includes under section 2033 the value of all property, whether real or personal, tangible or intangible, and wherever situated, beneficially owned by the decedent at the time of his death.

SECTION 2042.—PROCEEDS OF LIFE INSURANCE

26 CFR 20.2042-1: Proceeds of life insurance.

Valuation principles where the death of the person whose life measures the interest to be valued is known to be imminent. See Rev. Rul. 66-307, page 429.

PART IV.—TAXABLE ESTATE

SECTION 2053.—EXPENSES, INDEBTEDNESS, AND TAXES

26 CFR 20.2053-2: Deduction for funeral expenses. Rev. Rul. 66-234

A deduction, for Federal estate tax purposes, may be allowed for the amount of funeral expenses actually expended by the estate. The amount of this deduction must be reduced to reflect the value of the death benefits payable by the Veterans Administration and the benefit payable to other than the decedent's spouse by the Social Security Administration.

Advice has been requested regarding the Federal estate tax treatment of the death benefit payable by the Veterans' Administration to cover the funeral expenses of certain deceased veterans under Public Law 85-862, as amended, September 2, 1958, 38 U.S.C. 902, and the lump-sum death payment payable by the Social Security Administration under the Social Security Act, as amended, August 14, 1953, 42 U.S.C. 402.

Section 2053(a)(1) of the Internal Revenue Code of 1954 permits a deduction from the value of the gross estate, for funeral expenses. Section 20.2053-2 of the Estate Tax Regulations provides:

*Deduction for Funeral Expenses.*—Such amounts for funeral expenses are allowed as deductions from a decedent's gross estate as (a) are actually expended, (b) would be properly allowable out of property subject to claims under the laws of the local jurisdiction \* \* \*.

Section 902 of Title 38 of the United States Code provides in part that the Administrator of Veterans' Affairs may pay a sum not to exceed \$250 to such person as he prescribes, to cover the burial and funeral expenses of a deceased veteran and the expense of preparing the body and transporting it to the place of burial. No deduction shall be made from the burial allowance unless the amount of expenses incurred is covered by an amount actually paid by the United States, a State, any agency or political subdivision of the United States, or of a State, or the employer of the deceased veteran. No claim should be allowed (1) for more than the difference between the entire amount of the expenses incurred and the amount paid by any or all of the foregoing, or (2) when the burial allowance would revert to the funds of a public or private organization or would discharge such an organization's obligation without payment. The burial allowance or any part thereof shall not be paid in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.

Section 3.1601(a) of the regulations issued under Title 38 of the Code provides in part that claims may be executed by the undertaker

## Section 2053

*ington v. Commissioner*, 36 B.T.A. 698 (1937), *acq.*, 1928-1 C.B. 15. *But see Hibernia Bank v. United States*, Civil Docket No. C-74-701 SC (N.D. Cal. Sept. 25, 1975).

The Internal Revenue Service believes that the Tax Court reached an erroneous conclusion in *Estate of Jane deP. Webster*, 65 T.C. 968 (1976), to the extent that it held deductible as an administration expense interest paid by the executors, and accruing after death, on money borrowed by the decedent. See *Estate of Jane deP. Webster*, nonquiescence on this issue, page , this Bulletin.

In *Ballance v. United States*, *supra*, the District Court denied a deduction as an administration expense for post-death interest on debts incurred by the decedent (Civil Docket No. 3026 (S.D. Ind., Dec. 21, 1964)). The court did not elaborate on the circumstances of the payment of the post-death interest. The Court of Appeals reversed on this point but again did not explain in detail the circumstances under which the interest payments were made. The opinion does not clearly differentiate between interest which the decedent agreed to pay (and which would have been liable to pay had the decedent lived), and additional interest which was caused by the executor postponing payment of the claim to avoid a sacrifice sale. The Court of Appeals' decision is deemed to be incorrect to the extent that it allowed a deduction as an administration expense for interest on debts contracted by the decedent which came due after decedent's death. It is believed that the District Court in *Ballance* correctly held that such interest is not deductible.

Accordingly, payments of interest, which have accrued subsequent to decedent's death, will not be allowed as a deductible administration expense under section 2053(a)(2) of the Code if they are merely interest payments which the decedent agreed to

pay. Thus, no deduction for the \$7,762.57 post-death interest is allowable in the instant case.

**26 CFR 20.2053-2: Deduction for funeral expenses.**

**Funeral expenses; reimbursed under wrongful death statute.** The deduction allowed to an estate for funeral expenses under section 2053 of the Code must be reduced by any reimbursement received for such expenses as the result of an action brought under a state's wrongful death statute or by the reasonable value of any right to such recovery not yet received.

### Rev. Rul. 77-274

Advice has been requested as to the Federal estate tax treatment of an amount recovered under a wrongful death statute for the funeral expenses of the decedent.

The decedent, a resident of State X, died in an airplane crash. The accident occurred in State X. Thereafter, an action was brought under the wrongful death statute of State X by the executor of decedent's estate against the negligent airline for damages arising by reason of the wrongful act that caused the decedent's death. Damages in the amount of 400x dollars were asked for the loss sustained by decedent's beneficiaries and 1x dollars for funeral expenses incurred for the decedent.

Under the wrongful death statute of State X, when the death of a person is caused by a wrongful act, neglect or default, an action for damages will lie against the person who would have been liable in damages if death had not ensued. The statute limits recovery to such damages as are fair and just compensation for the pecuniary injuries resulting from the death, together with the hospital, medical, and funeral expenses incurred for the deceased, and does not provide for the assessment of punitive damages.

The action for damages shall be brought by the executor or the administrator of decedent's estate for the benefit of those persons who would take the decedent's property had the decedent died intestate, or, with respect to the hospital, medical, and funeral expenses, for the benefit of the person or persons who bore the burden of such expenses.

It is well settled that the recovery under a wrongful death act forms no part of the estate of the decedent where the right of action does not exist until the decedent has died. Under these circumstances, the decedent possessed neither a property interest in, nor a power of appointment over, the right of action at the time of death. See Rev. Rul. 54-19, 1954-1 C.B. 179 (New Jersey law); Rev. Rul. 69-8, 1969-1 C.B. 219 (Death on the High Seas Act); Rev. Rul. 75-126, 1975-1 C.B. 296 (Arizona law); Rev. Rul. 75-127, 1975-1 C.B. 297 (Connecticut and Iowa law).

The specific question, therefore, is whether a deduction is allowable under section 2053(a) of the Internal Revenue Code of 1954 for the incurred funeral expenses of the decedent recoverable under the statute.

Section 2053(a)(1) of the Code allows as a deduction from the value of the gross estate such amounts for funeral expenses as are allowable by the laws of the jurisdiction under which the estate is being administered.

Section 20.2053-2 of the Estate Tax Regulations provides:

*Deduction for funeral expenses.*—Such amounts for funeral expenses are allowed as deductions from a decedent's gross estate as (a) are actually expended, (b) would be properly allowable out of property subject to claims under the laws of the local jurisdiction, and (c) satisfy the requirements of paragraph (c) of section 20.2053-1.

Section 20.2053-1(c) restricts the deduction to an amount not in excess of the property in the estate subject to claims plus amounts that are paid before the estate tax return is due out of property not subject to claims.

## Section 2056

*B.* At the time of *D*'s death, *A* owed *X* Corporation 100x dollars evidenced by *A*'s individual note, and *A* had sufficient funds to satisfy *A*'s debt. *D* had no liability with respect to this debt. *D*'s will provided that 100x dollars be paid to *X* Corporation in satisfaction of *A*'s debt. The residue of *D*'s estate is to pass to *B*. The value of *D*'s adjusted gross estate is 500x dollars.

### LAW AND ANALYSIS

Section 2056(a) of the Code provides a deduction from the value of the gross estate for the value of property passing from the decedent to the decedent's surviving spouse. Section 20.2056(e)-2 of the Estate Tax Regulations states that in general a property interest is considered as passing to the surviving spouse only if it passed to the surviving spouse as the beneficial owner.

*D*'s bequest will benefit *A* by relieving *A* of *A*'s debt to *X* Corporation. In the absence of the bequest, *A* would have been required to pay *X* Corporation 100x dollars from *A*'s own funds. In substance this transaction is indistinguishable from a situation in which *D* gives *A* 100x dollars and *A* is free to use the bequest to satisfy *A*'s debt. Under these circumstances, *D*'s bequest to satisfy *A*'s debt is a property interest that passes from the decedent to the decedent's surviving spouse for purposes of the estate tax marital deduction.

Compare section 20.2056(b)-4(b) of the Estate Tax Regulations providing that the payment of an indebtedness with respect to property is passing from a decedent to the decedent's surviving spouse is an additional interest passing to the surviving spouse, if the executor was required by the terms of the decedent's will or by local law to make such a payment out of other estate assets.

### HOLDING

A marital deduction in the amount of 100x dollars is allowed under sec-

tion 2056 of the Code for *D*'s bequest to satisfy *A*'s debt.

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#### Chapter 12.—Gift Tax Subchapter A.—Determination of Tax Liability

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### Section 2505.—Unified Credit Against Gift Tax

**Unified credit.** The unified credit provided in section 2505 of the Code is mandatory, and a donor must use it in computing the net gift tax.

#### Rev. Rul. 79-398

#### ISSUE

In computing the net gift tax, may a donor elect not to use the unified credit provided for in section 2505 of the Internal Revenue Code of 1954?

#### FACTS

In June 1978, *G* transferred \$100,000 to an adult child, *A*, on the condition that *A* would pay the resulting federal gift tax. *G* is unmarried, and this was the first gift that *G* has made. *G* does not want to use the unified credit to reduce the gift tax, because *A* is going to pay the tax.

### LAW AND ANALYSIS

Section 2501 of the Code imposes a tax on the transfer of property by gift.

Section 2505(a) of the Code provides:

\* \* \* there shall be allowed as a credit against the tax imposed by section 2501 for each calendar quarter an amount equal to—

- (1) \$47,000, reduced by
- (2) the sum of the amounts allowable as a credit to the individual under this section for all preceding calendar quarters.

Section 2505(b) of the Code provides that the amount of the unified credit is phased in over several years. The maximum amount of the unified credit available in 1978 is \$34,000.

Section 2505 was added to the Code by the Tax Reform Act of 1976, and is effective for gifts made after December 31, 1976. Committee Reports in-

dicate that the unified credit against gift taxes is in lieu of the specific exemption provided under section 2521 for gifts made prior to 1977. See H.R. Rep. No. 94-1380, 94th Cong., 2d Sess. 15 (1976), 1976-3 (Vol. 3) C.B. 735, 749, and S. Rep. No. 94-938 (Part 2), 94th Cong., 2d Sess. 13 (1976), 1976-3 (Vol. 3) C.B. 643, 655. The language of section 2505 differs significantly from that of section 2521.

Section 2521 of the Code provided that the exemption was to be allowed to the extent of \$30,000, reduced by "the aggregate of the amounts claimed and allowed" for prior gift tax periods. (Emphasis supplied.) Thus, the specific exemption, at the option of the donor, could be taken in the full amount of \$30,000 in a single calendar quarter or calendar year, or be spread over a period of time in such amounts as the donor elected. Any portion of the \$30,000 exemption not applied to reduce the gift tax liability for prior gift tax periods remained available to the donor because such portion had not been claimed and allowed in the prior periods.

Both section 2521 and section 2505 contain the phrase "shall be allowed". This phrase in conjunction with "claimed and allowed" in section 2521 permits the donor to elect the use of the exemption. In contrast, the phrase "shall be allowed" in section 2505 coupled with the provision that the credit available is reduced by "amounts allowable" for preceding periods makes the application of the credit mandatory. (Emphasis supplied.)

Under section 2505 of the Code, the available unified credit in a current period depends on how much was allowable to reduce gift taxes on gifts in any earlier periods. If a gift in an earlier period was taxable to any extent, any unexhausted unified credit would have been "allowable" even though the donor desired neither to claim the credit nor to have it allowed.



# INTERNAL REVENUE BULLETIN



## HIGHLIGHTS OF THIS ISSUE

These synopses are intended only as aids to the reader in identifying the subject matter covered. They may not be relied upon as authoritative interpretations.

**Bulletin No. 2017-45**  
**November 6, 2017**

### INCOME TAX

#### **Rev. Rul. 2017-21, page 482.**

Federal rates; adjusted federal rates; adjusted federal long-term rate and the long-term exempt rate. For purposes of sections 382, 1274, 1288, and other sections of the Code, tables set forth the rates for November 2017.

#### **Notice 2017-66, page 487.**

This notice invites public power providers (as defined in § 54C(d)(2) of the Internal Revenue Code (Code)) to submit applications for an allocation of the available authority (volume cap) to issue new clean renewable energy bonds under § 54C of the Code to finance qualified renewable energy facilities (as defined in § 54C(d)(1) of the Code).

#### **Rev. Proc. 2017-58, page 489.**

This procedure provides the 2018 cost-of-living adjustments to certain items due to inflation as required by various provisions of the Code and Service guidance.

### ADMINISTRATIVE

#### **Notice 2017-59, page 484.**

This notice provides rules claimants must follow to submit a claim for refund pursuant to the temporary relief provided in section 3.02 of Notice 2017-30, 2017-21 I.R.B. 1248. A claimant may submit a refund claim for the § 4081(a)(1) tax imposed on undyed diesel fuel and kerosene for fuel that is 1) removed from a Milwaukee terminal; 2) entered into a Green Bay terminal within 24 hours; and 3) subsequently dyed and removed from the Green Bay terminal.

#### **Rev. Proc. 2017-58, page 489.**

This procedure provides the 2018 cost-of-living adjustments to certain items due to inflation as required by various provisions of the Code and Service guidance.

### EMPLOYEE PLANS

#### **Notice 2017-64, page 486.**

Section 415 of the Internal Revenue Code (the Code) provides for dollar limitations on benefits and contributions under qualified retirement plans. Section 415(d) requires that the Secretary of the Treasury annually adjust these limits for cost of living increases. Other limitations applicable to deferred compensation plans are also affected by these adjustments under § 415. Under § 415(d), the adjustments are to be made under adjustment procedures similar to those used to adjust benefit amounts under § 215(i)(2)(A) of the Social Security Act.

### ESTATE TAX

#### **Rev. Proc. 2017-58, page 489.**

This procedure provides the 2018 cost-of-living adjustments to certain items due to inflation as required by various provisions of the Code and Service guidance.

USLegal > Legal Definitions > A > Act of Congress

## Act of Congress Law and Legal Definition



Act of Congress refers to statutes or legislation that are formally enacted by Congress through the legislative powers granted to Congress by the U.S. Constitution.

To become an Act of Congress, first a bill or a resolution has to be passed by a majority of members of both the House of Representatives and the Senate. The bill or resolution is sent to the chamber through a

committee. The bill is sent back to the same committee after the bill is passed by both the chambers. The committee then sent the bill or resolution to get the president's assent. The bill or resolution becomes an Act of Congress:

1. if the President signs the bills; or
2. if the President fails to return the bill or resolution with in ten days.



## Estate Freeze



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### What it is:

An **estate freeze** is an [estate planning](#) strategy used by an owner to lock in an [asset's](#) value and avoid future [tax liability](#) when the asset is transferred to a [beneficiary](#).

### How it works (Example):

An estate freeze is commonly used for:

- Transfer of control of a privately-owned business between generations
- Division of [income](#) among family members
- Protection from creditors
- Tax deferral from [shares](#) sold of the privately-owned business

In most cases, an estate freeze is used when ownership of a company is passed from one generation to the next.

For example, when a business owner (parent) is ready to "pass the torch" to their [beneficiaries](#) (children), they may exchange their [common stock](#) in the company for [preferred shares](#). The company then [issues](#) new common stock to the beneficiaries (children).

### Why it Matters:

By transferring the [asset](#) to their [beneficiaries](#) before the [tax liability](#) comes due, the current owners (parents) are able to control the asset during their lifetimes and pass it on to their beneficiaries (children), but without having to pay the tax liability associated with the increase in the asset's value.



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## Internal Revenue Service (IRS)



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### What it is:

The **Internal Revenue Service (IRS)** is a bureau of the Department of Treasury that is tasked with the enforcement of [income tax](#) laws and oversees the collection of [federal income taxes](#). In addition, it is also the responsibility of the IRS to determine pension-plan qualification.

### How it works (Example):

In 1862, President Lincoln and the U.S. Congress created the position of Commissioner of Internal [Revenue](#) and enacted the first [income tax](#), which was later repealed. In 1913, the ratification of the sixteenth amendment granted Congress the authority to [levy](#) personal income-taxes, and the first 1040 form appeared later that same [year](#), which imposed a 1% tax on personal [incomes](#) above \$3,000.

The 1998 IRS Restructuring and Reform Act reorganized the IRS into four major divisions:

- The Wage and [Investment](#) Division, for filers of individual and joint tax returns
- The Small Business/Self-Employed Division
- The Large and Mid-Size Business Division, for corporations with more than \$10 million in assets
- The Tax-Exempt and Government Entities Division, for employee benefit plans, charities, and governmental entities

Other divisions include Appeals, Communications and Liaison, and Criminal Investigation. The Office of Chief Counsel provides legal services to the IRS.



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# Internal Revenue Code

Also found in: [Financial](#), [Wikipedia](#).

## Internal Revenue Code

The Internal Revenue Code is the body of law that codifies all federal tax laws, including income, estate, gift, excise, alcohol, tobacco, and employment taxes. These laws constitute title 26 of the U.S. Code (26 U.S.C.A. § 1 et seq. [1986]) and are implemented by the [Internal Revenue Service](#) through its Treasury Regulations and Revenue Rulings.

Congress made major statutory changes to title 26 in 1939, 1954, and 1986. Because of the extensive revisions made in the TAX REFORM ACT OF 1986, title 26 is now known as the Internal Revenue Code of 1986 (Pub. L. No. 99-514, § 2, 100 Stat. 2095 [Oct. 22, 1986]).

Subtitle A of the Code contains five chapters on income taxes. The chapters cover normal income taxes and surtaxes, taxes on self-employment income, withholding of taxes on nonresident [Aliens](#) and foreign corporations, taxes on transfers to avoid [Income Tax](#), and consolidated returns.

Subtitle B deals with [Estate and Gift Taxes](#). The rules and regulations concerning the taxation of probate estates and gifts are very complicated. This subtitle contains chapters on taxing generation-skipping transfers and rules on special valuation of property.

Subtitle C contains the law of employment taxes. It consists of chapters on general provisions relating to employment taxes and other sections dealing with federal insurance contributions, railroad retirement taxes, and federal unemployment taxes.

Subtitle D covers miscellaneous excise taxes. Its fifteen chapters cover a variety of issues, including retail excise taxes, manufacturers' excise taxes, taxes on wagering, environmental taxes, public charities, private foundations, [Pension](#) plans, and certain group health plans.

Subtitle E covers alcohol, tobacco, and other excise taxes. Chapter 53 deals with machine guns, destructive devices, and certain other firearms.

Subtitle F contains provisions on procedure and administration. Under this subtitle are twenty chapters that deal with every step of the taxation process, from the setting of filing dates and the collection of penalties for late filing, to criminal offenses and judicial proceedings. The rules for administrative proceedings under the Code are addressed in the appendix to title 26.

Subtitle G addresses the organization of the Congressional Joint Committee on Taxation. Subtitle H contains the rules for the financing of presidential election campaigns. Subtitle I contains the Trust Fund Code.

The Internal Revenue Code has grown steadily since the 1930s. The complexity of its provisions, most of which are written in technical language, has required law and accounting firms to develop specialists in the various areas of taxation.

### Cross-references



Office of the Law Revision Counsel  
**UNITED STATES CODE**



The United States Code is a consolidation and codification by subject matter of the **general** and **permanent** laws of the United States. It is prepared by the Office of the Law Revision Counsel of the United States House of Representatives. For currency information, click [here](#).

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## U.S. Supreme Court

### Helvering v. Hutchings, 312 U.S. 393 (1941)

Helvering v. Hutchings

No 419

Argued January 8, 1941

Decided March 3, 1941

312 U.S. 393

*Syllabus*

1. In the computation of the tax laid upon "net gifts" made during the calendar year, § 504(b) of the Revenue Act of 1932 provides that,

"In the case of gifts (other than of future interests in property) made to any person by the donor during the calendar year, the first \$5,000 of such gifts . . . shall not . . . be included in the total amount of gifts made during such year."

*Held*, that where the donor conveyed property in trust for the benefit of numerous beneficiaries, he was entitled to separate exemptions or exclusions of \$5,000 for each beneficiary. P. 312 U. S. 395.

The question whether the gifts to the beneficiaries were "future interests" within the meaning of the section is not decided, not having been presented by the petition for certiorari, but is left open for consideration by the Board of Tax Appeals.

2. In common understanding and usage, a gift is made to him upon whom the donor bestows the benefit of

H.R.4242 - 97th Congress (1981- )

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### H.R.4242 - Economic Recovery Tax Act of 1981

97th Congress (1981-1982)

**LAW** Hide Overview

Sponsor: [Rep. Rostenkowski, Dan \(D-IL-8\)](#) (Introduced 07/23/1981)

Committees: House - Ways and Means

Committee Reports: S.Rept 97-176; H.Rept 97-201; H.Rept 97-215

Latest Action: 08/13/1981 Became Public Law No: 97-34. (All Actions)

Roll Call Votes: There have been [6 roll call votes](#)

Tracker: Introduced Passed House Passed Senate Resolving Differences To President **Became Law**

More on This Bill: [CBO Cost Estimates \(0\)](#)

Get more information: See [Coverage Dates for Legislative Information](#) and learn about other sources.

Subject — Policy Area: Taxation [View subjects >](#)

Summary (3) Text Actions (40) Titles (6) Amendments (4) Cosponsors (0) Committees (1) Related Bills (275)

**Summary: H.R.4242 — 97th Congress (1981-1982)** [All Information](#) (Except Text)

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H.R.2014 - 105th Congress (1997- )

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All Legislation Examples: hr5, sres9, "health care"

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### H.R.2014 - Taxpayer Relief Act of 1997

105th Congress (1997-1998)

**LAW** Hide Overview

Sponsor: [Rep. Kasich, John R. \(R-OH-12\)](#) (Introduced 06/24/1997)

Committees: House - Budget

Committee Reports: [H. Rept. 105-148](#); [H. Rept. 105-220 \(Conference Report\)](#)

Latest Action (modified): 08/05/1997 Became Public Law No: 105-34. (TXT | PDF) (All Actions)

Roll Call Votes: There have been [8 roll call votes](#)

Notes: Line item veto by President on August 11, 1997: Presidential Cancellation Numbers 97-1 and 97-2. Disapproval bills introduced on September 9, 1997: [S. 1157](#) and [H.R. 2444](#).

Tracker: Introduced Passed House Resolving Differences Passed Senate To President **Became Law**

More on This Bill: [CBO Cost Estimates \(1\)](#)

Subject — Policy Area: Taxation [View subjects >](#)

Summary (3) Text (7) Actions (66) Titles (11) Amendments (2) Cosponsors (0) Committees (1) Related Bills (42)

**Summary: H.R.2014 — 105th Congress (1997-1998)** [All Information](#) (Except Text)

Text - H.R.8 - 112th Congress (2011- )

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All Legislation Examples: hr5, sres9, "health care"

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### H.R.8 - American Taxpayer Relief Act of 2012

112th Congress (2011-2012)

**LAW** Hide Overview

Sponsor: [Rep. Camp, Dave \(R-MI-4\)](#) (Introduced 07/24/2012)

Committees: House - Ways and Means; Budget

Latest Action: 01/02/2013 Became Public Law No: 112-240. (TXT | PDF) (All Actions)

Roll Call Votes: There have been [5 roll call votes](#)

Notes: Enactment of the "fiscal cliff bill" averted scheduled income tax rate increases and the spending reductions required by the sequestration process.

Tracker: Introduced Passed House Passed Senate Resolving Differences To President **Became Law**

More on This Bill: [Constitutional Authority Statement](#); [CBO Cost Estimates \(0\)](#)

Subject — Policy Area: Taxation [View subjects >](#)

Summary (4) **Text (6)** Actions (36) Titles (9) Amendments (3) Cosponsors (28) Committees (2) Related Bills (10)

**Text: H.R.8 — 112th Congress (2011-2012)** [All Information](#) (Except Text)

All Legislation Examples: hr5, sres9, "health care" MORE OPTIONS

Home > Legislation > 94th Congress > H.R.10612

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H.R.10612 - Tax Reform Act

94th Congress (1975-1976)

LAW Hide Overview Sponsor: Rep. Ullman, Al [D-OR-2] (Introduced 11/06/1975) Committees: House - Ways and Means | Senate - Finance Committee Reports: H.Rept 94-658; S.Rept 94-938 Part 2; S.Rept 94-938; S.Rept 94-1236; H.Rept 94-1515 Latest Action: 10/04/1976 Public law 94-455. (All Actions) Roll Call Votes: There have been 11 roll call votes Tracker: Introduced Passed House Passed Senate Resolving Differences To President Became Law

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Subject — Policy Area: Taxation View subjects >

Summary (2) Text Actions (56) Titles (2) Amendments (0) Cosponsors (0) Committees (2) Related Bills (1)

Summary: H.R.10612 — 94th Congress (1975-1976)

All Information (Except Text)

All Legislation Examples: hr5, sres9, "health care" MORE OPTIONS

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H.R.3838 - Tax Reform Act of 1986

99th Congress (1985-1986)

LAW Hide Overview Sponsor: Rep. Rostenkowski, Dan [D-IL-8] (Introduced 12/03/1985) Committees: House - Ways and Means | Senate - Finance Committee Reports: S.Rept 99-313; H.Rept 99-426; H.Rept 99-841 Latest Action: 10/22/1986 Became Public Law No: 99-514. (All Actions) Roll Call Votes: There have been 29 roll call votes Tracker: Introduced Passed House Passed Senate Resolving Differences To President Became Law

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Summary (5) Text Actions (245) Titles (6) Amendments (111) Cosponsors (20) Committees (2) Related Bills (3)

Summary: H.R.3838 — 99th Congress (1985-1986)

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What Is the Application of Dower and Curtesy?

Dower and curtesy are antiquated terms that refer to married spouses' property rights. These rights most often arise in situations involving death and inheritance. However, they may also arise in other contexts and may prevent one spouse from selling or transferring property without the consent of the affected spouse.

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Dower

Dower is a wife's interest in her husband's property. When her husband dies, the wife is entitled to a certain percentage or value of her husband's property if he died without a will. If he did leave a will, she can usually elect to take her dower rights instead of a lower amount left in the will.

Curtesy

Curtesy is a husband's interest in his wife's property. In some states the amount of dower and curtesy were different despite having the same intent besides the sex of the person providing the right. However, laws have largely changed so that the dower and curtesy rights are the same.





# U.S. Code: Title 8. ALIENS AND NATIONALITY

[U.S. Code](#) [Notes](#)

- [CHAPTER 1—GENERAL PROVISIONS \(§ 1\)](#)
- [CHAPTER 2—ELECTIVE FRANCHISE \(§ 31\)](#)
- [CHAPTER 3—CIVIL RIGHTS \(§§ 41 - 53\)](#)
- [CHAPTER 4—FREEDMEN \(§ 61\)](#)
- [CHAPTER 5—ALIEN OWNERSHIP OF LAND \(§§ 71 - 83\)](#)
- [CHAPTER 6—IMMIGRATION \(§§ 100 - 241\)](#)
- [CHAPTER 7—EXCLUSION OF CHINESE \(§§ 261 - 299\)](#)
- [CHAPTER 8—THE COOLY TRADE \(§ 331\)](#)
- [CHAPTER 9—MISCELLANEOUS PROVISIONS \(§ 351\)](#)
- [CHAPTER 10—ALIEN REGISTRATION \(§ 451\)](#)
- [CHAPTER 11—NATIONALITY \(§§ 501 - 1001\)](#)
- [CHAPTER 12—IMMIGRATION AND NATIONALITY \(§§ 1101 - 1537\)](#)
- [CHAPTER 13—IMMIGRATION AND NATURALIZATION SERVICE \(§§ 1551 - 1574\)](#)
- [CHAPTER 14—RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS \(§§ 1601 - 1646\)](#)
- [CHAPTER 15—ENHANCED BORDER SECURITY AND VISA ENTRY REFORM \(§§ 1701 - 1778\)](#)

# 8 U.S. Code § 1401. Nationals and citizens of United States at birth

[U.S. Code](#) [Notes](#) [Table of Popular Names](#)

[prev](#) | [next](#)

The following shall be [nationals](#) and citizens of the [United States](#) at birth:

- (a) a person born in the [United States](#), and subject to the jurisdiction thereof;
- (b) a person born in the [United States](#) to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: *Provided*, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;
- (c) a person born outside of the [United States](#) and its outlying possessions of parents both of whom are citizens of the [United States](#) and one of whom has had a [residence](#) in the [United States](#) or one of its outlying possessions, prior to the birth of such person;
- (d) a person born outside of the [United States](#) and its outlying possessions of parents one of whom is a citizen of the [United States](#) who has been physically present in the [United States](#) or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a [national](#), but not a citizen of the [United States](#);
- (e) a person born in an outlying possession of the [United States](#) of parents one of whom is a citizen of the [United States](#) who has been physically present in the [United States](#) or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;
- (f) a person of unknown parentage found in the [United States](#) while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the [United States](#);
- (g) a person born outside the geographical limits of the [United States](#) and its outlying possessions of parents one of whom is an [alien](#), and

## 26 CFR Subchapter B - ESTATE AND GIFT TAXES

CFR

- [PART 20 - ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954 \(§§ 20.0-1 - 20.7701-2\)](#)
- [PART 22 - TEMPORARY ESTATE TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 \(§ 22.0\)](#)
- [PART 25 - GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954 \(§§ 25.0-1 - 25.7701-2\)](#)
- [PART 26 - GENERATION-SKIPPING TRANSFER TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1986 \(§§ 26.2600-1 - 26.7701-2\)](#)
- PARTS 27-29 [RESERVED]

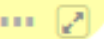
## 26 U.S. Code Subtitle B - Estate and Gift Taxes

U.S. Code Notes

- [CHAPTER 11—ESTATE TAX \(§§ 2001 - 2210\)](#)
- [CHAPTER 12—GIFT TAX \(§§ 2501 - 2524\)](#)
- [CHAPTER 13—TAX ON GENERATION-SKIPPING TRANSFERS \(§§ 2601 - 2664\)](#)
- [CHAPTER 14—SPECIAL VALUATION RULES \(§§ 2701 - 2704\)](#)
- [CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES \(§ 2801\)](#)



## Revenue Act of 1916



The [United States Revenue Act of 1916](#), (ch. 463, 39 Stat. 756, September 8, 1916) raised the lowest [income tax](#) rate from 1% to 2% and raised the top rate to 15% on taxpayers with incomes above \$2 million. (Previously, the top rate had been 7% on income above \$500,000.) The Act also instituted the federal [estate tax](#).<sup>[1]</sup>

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The entry of the United States into [World War I](#) greatly increased the need for revenue.

An [excess profits tax](#) was introduced and the modern [estate tax](#) was imposed.

The act was applicable to incomes for 1916.



**(c) RATE SCHEDULE**

**If the amount with respect to which the tentative tax to be computed is:**

**The tentative tax is:**

Not over \$10,000	18 percent of such amount.
Over \$10,000 but not over \$20,000	\$1,800, plus 20 percent of the excess of such amount over \$10,000.
Over \$20,000 but not over \$40,000	\$3,800, plus 22 percent of the excess of such amount over \$20,000.
Over \$40,000 but not over \$60,000	\$8,200 plus 24 percent of the excess of such amount over \$40,000.
Over \$60,000 but not over \$80,000	\$13,000, plus 26 percent of the excess of such amount over \$60,000.
Over \$80,000 but not over \$100,000	\$18,200, plus 28 percent of the excess of such amount over \$80,000.
Over \$100,000 but not over \$150,000	\$23,800, plus 30 percent of the excess of such amount over \$100,000.
Over \$150,000 but not over \$250,000	\$38,800, plus 32 percent of the excess of such amount over \$150,000.
Over \$250,000 but not over \$500,000	\$70,800, plus 34 percent of the excess of such amount over \$250,000.
Over \$500,000 but not over \$750,000	\$155,800, plus 37 percent of the excess of such amount over \$500,000.
Over \$750,000 but not over \$1,000,000	\$248,300, plus 39 percent of the excess of such amount over \$750,000.
Over \$1,000,000	\$345,800, plus 40 percent of the excess of such amount over \$1,000,000.

**(d) ADJUSTMENT FOR GIFT TAX PAID BY SPOUSE** For purposes of subsection (b)(2), if—

- (1) the decedent was the [donor](#) of any gift one-half of which was considered under section 2513 as made by the decedent's spouse, and
- (2) the amount of such gift is includible in the [gross](#) estate of the decedent,

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**Dower and Curtesy**

## Definition from Nolo's Plain-English Law Dictionary

A surviving spouse's right to receive a set portion of the deceased spouse's estate -- usually one-third to one-half. Dower (not to be confused with a dowry) refers to the portion to which a surviving wife is entitled, while curtesy refers to what a man may claim. Until recently, these amounts differed in a number of states. However, because discrimination on the basis of sex is now illegal in most cases, most states have abolished dower and curtesy and generally provide the same benefits regardless of sex -- and this amount is often known simply as the statutory share. Under certain circumstances, a living spouse may not be able to sell or convey property that is subject to the other spouses dower and curtesy or statutory share rights.

Definition provided by Nolo's Plain-English Law Dictionary.