

L. 107-147, title IV, § 411(h), Mar. 9, 2002, 116 Stat. 46.)

AMENDMENTS

2002—Pub. L. 107-147 struck out “any State, any possession of the United States, or the District of Columbia,” after “any foreign country.”

2001—Pub. L. 107-16 struck out “2011 or” before “2014 is recovered”.

1976—Pub. L. 94-455 struck out “Territory or” after “any State, any” and “or his delegate” after “Secretary”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-147 effective as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, Pub. L. 107-16, to which such amendment relates, see section 411(x) of Pub. L. 107-147, set out as a note under section 25B of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-16 applicable to estates of decedents dying, and generation-skipping transfers, after Dec. 31, 2004, see section 532(d) of Pub. L. 107-16, set out as a note under section 2012 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by section 1902(a)(12)(C) of Pub. L. 94-455 applicable to estates of decedents dying after Oct. 4, 1976, see section 1902(c)(1) of Pub. L. 94-455, set out as a note under section 2012 of this title.

PART III—GROSS ESTATE

Sec.	
2031.	Definition of gross estate.
2032.	Alternate valuation.
2032A.	Valuation of certain farm, etc., real property.
2033.	Property in which the decedent had an interest.
[2033A.	Renumbered.]
2034.	Dower or curtesy interests.
2035.	Adjustments for certain gifts made within 3 years of decedent's death.
2036.	Transfers with retained life estate.
2037.	Transfers taking effect at death.
2038.	Revocable transfers.
2039.	Annuities.
2040.	Joint interests.
2041.	Powers of appointment.
2042.	Proceeds of life insurance.
2043.	Transfers for insufficient consideration.
2044.	Certain property for which marital deduction was previously allowed.
2045.	Prior interests.
2046.	Disclaimers.

AMENDMENTS

1998—Pub. L. 105-206, title VI, § 6007(b)(1)(E), July 22, 1998, 112 Stat. 808, struck out item 2033A “Family-owned business exclusion”.

1997—Pub. L. 105-34, title V, § 502(b), title XIII, § 1310(b), Aug. 5, 1997, 111 Stat. 852, 1044, added item 2033A and substituted “certain gifts” for “gifts” in item 2035.

1981—Pub. L. 97-34, title IV, § 403(d)(3)(A)(ii), Aug. 13, 1981, 95 Stat. 304, added item 2044 and redesignated former items 2044 and 2045 as items 2045 and 2046, respectively.

1976—Pub. L. 94-455, title XX, §§ 2001(c)(1)(N)(iii), 2003(d)(1), 2009(b)(3)(B), Oct. 4, 1976, 90 Stat. 1853, 1862, 1894, added items 2032A and 2045 and substituted “Adjustments for gifts made within 3 years of decedent's death” for “Transactions in contemplation of death” in item 2035.

§ 2031. Definition of gross estate

(a) General

The value of the gross estate of the decedent shall be determined by including to the extent

provided for in this part, the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated.

(b) Valuation of unlisted stock and securities

In the case of stock and securities of a corporation the value of which, by reason of their not being listed on an exchange and by reason of the absence of sales thereof, cannot be determined with reference to bid and asked prices or with reference to sales prices, the value thereof shall be determined by taking into consideration, in addition to all other factors, the value of stock or securities of corporations engaged in the same or a similar line of business which are listed on an exchange.

(c) Estate tax with respect to land subject to a qualified conservation easement

(1) In general

If the executor makes the election described in paragraph (6), then, except as otherwise provided in this subsection, there shall be excluded from the gross estate the lesser of—

- (A) the applicable percentage of the value of land subject to a qualified conservation easement, reduced by the amount of any deduction under section 2055(f) with respect to such land, or
- (B) \$500,000.

(2) Applicable percentage

For purposes of paragraph (1), the term “applicable percentage” means 40 percent reduced (but not below zero) by 2 percentage points for each percentage point (or fraction thereof) by which the value of the qualified conservation easement is less than 30 percent of the value of the land (determined without regard to the value of such easement and reduced by the value of any retained development right (as defined in paragraph (5))). The values taken into account under the preceding sentence shall be such values as of the date of the contribution referred to in paragraph (8)(B).

[ (3) Repealed. Pub. L. 113-295, div. A, title II, § 221(a)(96), Dec. 19, 2014, 128 Stat. 4051 ]

(4) Treatment of certain indebtedness

(A) In general

The exclusion provided in paragraph (1) shall not apply to the extent that the land is debt-financed property.

(B) Definitions

For purposes of this paragraph—

(i) Debt-financed property

The term “debt-financed property” means any property with respect to which there is an acquisition indebtedness (as defined in clause (ii)) on the date of the decedent's death.

(ii) Acquisition indebtedness

The term “acquisition indebtedness” means, with respect to debt-financed property, the unpaid amount of—

- (I) the indebtedness incurred by the donor in acquiring such property,
- (II) the indebtedness incurred before the acquisition of such property if such