

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-369, div. A, title IV, § 425(c)(1), July 18, 1984, 98 Stat. 804, provided that: “The amendments made by subsection (a) [amending this section and section 2053 of this title] shall apply to estates of decedents dying after the date of the enactment of this Act [July 18, 1984].”

**§ 2044. Certain property for which marital deduction was previously allowed**

**(a) General rule**

The value of the gross estate shall include the value of any property to which this section applies in which the decedent had a qualifying income interest for life.

**(b) Property to which this section applies**

This section applies to any property if—

(1) a deduction was allowed with respect to the transfer of such property to the decedent—

(A) under section 2056 by reason of subsection (b)(7) thereof, or

(B) under section 2523 by reason of subsection (f) thereof, and

(2) section 2519 (relating to dispositions of certain life estates) did not apply with respect to a disposition by the decedent of part or all of such property.

**(c) Property treated as having passed from decedent**

For purposes of this chapter and chapter 13, property includible in the gross estate of the decedent under subsection (a) shall be treated as property passing from the decedent.

(Added Pub. L. 97-34, title IV, § 403(d)(3)(A)(i), Aug. 13, 1981, 95 Stat. 304; amended Pub. L. 97-448, title I, § 104(a)(1)(B), Jan. 12, 1983, 96 Stat. 2380.)

PRIOR PROVISIONS

A prior section 2044 was renumbered section 2045 of this title.

AMENDMENTS

1983—Subsec. (c). Pub. L. 97-448 added subsec. (c).

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 97-448 effective, except as otherwise provided, as if it had been included in the provision of the Economic Recovery Tax Act of 1981, Pub. L. 97-34, to which such amendment relates, see section 109 of Pub. L. 97-448, set out as a note under section 1 of this title.

EFFECTIVE DATE

Section applicable to estates of decedents dying after Dec. 31, 1981, see section 403(e) of Pub. L. 97-34, set out as an Effective Date of 1981 Amendment note under section 2056 of this title.

**§ 2045. Prior interests**

Except as otherwise specifically provided by law, sections 2034 to 2042, inclusive, shall apply to the transfers, trusts, estates, interests, rights, powers, and relinquishment of powers, as severally enumerated and described therein, whenever made, created, arising, existing, exercised, or relinquished.

(Aug. 16, 1954, ch. 736, 68A Stat. 388, § 2044; Pub. L. 94-455, title XX, § 2001(c)(1)(M), Oct. 4, 1976, 90

Stat. 1853; renumbered § 2045, Pub. L. 97-34, title IV, § 403(d)(3)(A)(i), Aug. 13, 1981, 95 Stat. 304.)

PRIOR PROVISIONS

A prior section 2045 was renumbered section 2046 of this title.

AMENDMENTS

1976—Pub. L. 94-455 substituted “specifically provided by law” for “specifically provided therein”.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-455 applicable to estates of decedents dying after Dec. 31, 1976, see section 2001(d) of Pub. L. 94-455, set out as a note under section 2001 of this title.

**§ 2046. Disclaimers**

**For provisions relating to the effect of a qualified disclaimer for purposes of this chapter, see section 2518.**

(Added Pub. L. 94-455, title XX, § 2009(b)(2), Oct. 4, 1976, 90 Stat. 1893, § 2045; renumbered § 2046, Pub. L. 97-34, title IV, § 403(d)(3)(A)(i), Aug. 13, 1981, 95 Stat. 304.)

EFFECTIVE DATE

Section applicable to transfers creating an interest in person disclaiming made after Dec. 31, 1976, see section 2009(e)(2) of Pub. L. 94-455, set out as a note under section 2518 of this title.

PART IV—TAXABLE ESTATE

Sec.

2051.	Definition of taxable estate.
[2052.]	Repealed.]
2053.	Expenses, indebtedness, and taxes.
2054.	Losses.
2055.	Transfers for public, charitable, and religious uses.
2056.	Bequests, etc., to surviving spouse.
2056A.	Qualified domestic trust.
[2057.]	Repealed.]
2058.	State death taxes.

AMENDMENTS

2014—Pub. L. 113-295, div. A, title II, § 221(a)(97)(A), Dec. 19, 2014, 128 Stat. 4051, which directed amendment of part IV of subchapter A of chapter 11 of this title by striking item 2057 from the table of sections for “such subpart”, was executed by striking item 2057 “Family-owned business interests” from the table of sections for this part, to reflect the probable intent of Congress.

2001—Pub. L. 107-16, title V, § 532(c)(14), June 7, 2001, 115 Stat. 75, added item 2058.

1998—Pub. L. 105-206, title VI, § 6006(b)(1)(F), July 22, 1998, 112 Stat. 808, added item 2057.

1990—Pub. L. 101-508, title XI, § 11704(a)(39), Nov. 5, 1990, 104 Stat. 1388-520, amended directory language of section 5033(a)(3) of Pub. L. 100-647. See 1988 Amendment note below.

Pub. L. 101-508, title XI, § 11704(a)(16), Nov. 5, 1990, 104 Stat. 1388-518, substituted “trust” for “trusts” in item 2056A.

1989—Pub. L. 101-239, title VII, § 7304(a)(2)(E), Dec. 19, 1989, 103 Stat. 2353, struck out item 2057 “Sales of employer securities to employee stock ownership plans or worker-owned cooperatives”.

1988—Pub. L. 100-647, title V, § 5033(a)(3), Nov. 10, 1988, 102 Stat. 3672, as amended by Pub. L. 101-508, title XI, § 11704(a)(39), Nov. 5, 1990, 104 Stat. 1388-520, added item 2056A.

1986—Pub. L. 99-514, title XI, § 1172(b)(3), Oct. 22, 1986, 100 Stat. 2515, added item 2057.

1981—Pub. L. 97-34, title IV, § 427(b), Aug. 13, 1981, 95 Stat. 318, struck out item 2057 “Bequests, etc., to certain minor children”.