

**Subtitle B—Estate and Gift Taxes**

|         |   |                   |
|---------|---|-------------------|
| Chapter |   | Sec. <sup>1</sup> |
| 11.     | Estate tax .....                          | 2001              |
| 12.     | Gift tax .....                            | 2501              |
| 13.     | Tax on generation-skipping transfers ...  | 2601              |
| 14.     | Special valuation rules .....             | 2701              |
| 15.     | Gifts and bequests from expatriates ..... | 2801              |

AMENDMENTS

2008—Pub. L. 110-245, title III, §301(b)(2), June 17, 2008, 122 Stat. 1646, added item for chapter 15.  
 1990—Pub. L. 101-508, title XI, §11602(c), Nov. 5, 1990, 104 Stat. 1388-500, added item for chapter 14.  
 1986—Pub. L. 99-514, title XIV, §1431(b), Oct. 22, 1986, 100 Stat. 2729, struck out “certain” after “Tax on” in item for chapter 13.  
 1976—Pub. L. 94-455, title XX, §2006(b)(1), Oct. 4, 1976, 90 Stat. 1888, added item for chapter 13.

**CHAPTER 11—ESTATE TAX**

|            |  |                   |
|------------|--|-------------------|
| Subchapter |  | Sec. <sup>1</sup> |
| A.         | Estates of citizens or residents .....     | 2001              |
| B.         | Estates of nonresidents not citizens ..... | 2101              |
| C.         | Miscellaneous .....                        | 2201              |

**Subchapter A—Estates of Citizens or Residents**

|      |                      |
|------|----------------------|
| Part |                      |
| I.   | Tax imposed.         |
| II.  | Credits against tax. |
| III. | Gross estate.        |
| IV.  | Taxable estate.      |

**PART I—TAX IMPOSED**

|       |                             |
|-------|-----------------------------|
| Sec.  |                             |
| 2001. | Imposition and rate of tax. |
| 2002. | Liability for payment.      |

AMENDMENTS

1976—Pub. L. 94-455, title XX, §2001(c)(1)(N)(i), Oct. 4, 1976, 90 Stat. 1853, substituted “Imposition and rate of tax” for “Rate of tax” in item 2001.

**§ 2001. Imposition and rate of tax**

**(a) Imposition**

A tax is hereby imposed on the transfer of the taxable estate of every decedent who is a citizen or resident of the United States.

**(b) Computation of tax**

The tax imposed by this section shall be the amount equal to the excess (if any) of—

- (1) a tentative tax computed under subsection (c) on the sum of—
  - (A) the amount of the taxable estate, and
  - (B) the amount of the adjusted taxable gifts, over

(2) the aggregate amount of tax which would have been payable under chapter 12 with respect to gifts made by the decedent after December 31, 1976, if the modifications described in subsection (g) had been applicable at the time of such gifts.

For purposes of paragraph (1)(B), the term “adjusted taxable gifts” means the total amount of the taxable gifts (within the meaning of section 2503) made by the decedent after December 31, 1976, other than gifts which are includible in the gross estate of the decedent.

<sup>1</sup> Section numbers editorially supplied.  
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**(c) Rate schedule**

|   |   |
|---|---|
| <b>If the amount with respect to which the tentative tax to be computed is:</b> | <b>The tentative tax is:</b>  |
| 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 .....  | \$155,800, plus 35 percent of the excess of such amount over \$500,000. |

**(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,

any tax payable by the spouse under chapter 12 on such gift (as determined under section 2012(d)) shall be treated as a tax payable with respect to a gift made by the decedent.

**(e) Coordination of sections 2513 and 2035**

If—

- (1) the decedent’s spouse was the donor of any gift one-half of which was considered under section 2513 as made by the decedent, and
- (2) the amount of such gift is includible in the gross estate of the decedent’s spouse by reason of section 2035,

such gift shall not be included in the adjusted taxable gifts of the decedent for purposes of subsection (b)(1)(B), and the aggregate amount determined under subsection (b)(2) shall be reduced by the amount (if any) determined under subsection (d) which was treated as a tax payable by the decedent’s spouse with respect to such gift.

**(f) Valuation of gifts**

**(1) In general**

If the time has expired under section 6501 within which a tax may be assessed under chapter 12 (or under corresponding provisions of prior laws) on—

- (A) the transfer of property by gift made during a preceding calendar period (as defined in section 2502(b)); or