109TH CONGRESS
2D SESSION
H. R. 5884

To amend the Internal Revenue Code of 1986 to authorize the Secretary of the Treasury to extend the date for making a gift tax qualified terminable interest property election.

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IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2006

Mr. RAMSTAD introduced the following bill; which was referred to the Committee on Ways and Means

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A BILL

To amend the Internal Revenue Code of 1986 to authorize the Secretary of the Treasury to extend the date for making a gift tax qualified terminable interest property election.

1   *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. AUTHORITY TO EXTEND PERIOD FOR MAKING**
4   **QTIP ELECTION UNDER THE GIFT TAX.**
5   (a) IN GENERAL.—Paragraph (4) of section 2523(f)
6 of the Internal Revenue Code of 1986 (relating to quali-
7 fied terminable interest property election) is amended by
8 adding at the end the following new subparagraph:

1   "(C) AUTHORITY TO EXTEND PERIOD FOR

2   MAKING ELECTION.—

3   "(i) IN GENERAL.—The Secretary

4   shall by regulation prescribe such cir-

5   cumstances and procedures under which

6   extensions of time will be granted to make

7   an election under this subsection. Such

8   regulations shall include procedures for re-

9   questing comparable relief with respect to

10   transfers made before the date of the en-

11   actment of this subparagraph.

12   "(ii) BASIS FOR DETERMINATIONS.—

13   In determining whether to grant relief

14   under this subparagraph, the Secretary

15   shall take into account all relevant cir-

16   cumstances, including evidence of intent

17   contained in the trust instrument or in-

18   strument of transfer and such other fac-

19   tors as the Secretary deems relevant. For

20   purposes of determining whether to grant

21   relief under this subparagraph, the time

22   for making the election shall be treated as

23   if not expressly prescribed by statute.".

24   (b) EFFECTIVE DATE.—Section 2523(f)(4)(C) of the

25 Internal Revenue Code of 1986 (as added by subsection

1 (a)) shall apply to requests pending on, or filed after, the

2 date of the enactment of this Act.

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