(2) Joint returns. If the taxpayer’s spouse is also subject to tax under section 679 with respect to the same foreign trust for the same taxable year, and if both taxpayer and spouse file a joint return of income tax for that year, a single Form 3520–A may be filed jointly with respect to such trust for the year.

(b) Period covered by return. The period covered by the return required by this section is the taxable year of the taxpayer required to file the return, regardless of the period used by the trust for accounting or any other purpose.

(c) Time for filing—(1) In general. The return required by this section must be filed no later than the 15th day of the fourth month following the end of the taxable period covered by the return.

(2) Transitional rule. In the case of a return required by this section for a taxable period ending on or before June 30, 1977, the return must be filed no later than—

(i) October 15, 1977, in the case of a taxpayer treated as an owner with respect to the trust under both section 679 and a provision of sections 672 through 678, or

(ii) December 31, 1977, in all other cases.

(3) Extensions of time for filing. For rules relating to extensions of time for filing, see section 6081 and the regulations thereunder.

(d) Place for filing. The return required by this section must be filed with the Director, Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, PA 19155.

(e) Effective date. This section is effective for taxable periods ending on or after December 31, 1976.

(Sec. 6048(c), Internal Revenue Code of 1954, 90 Stat. 1616 (26 U.S.C. 6048(c)))

[T.D. 7502, 42 FR 41856, Aug. 19, 1977]
other income next become payable to or are received by him.

(c) Determination of exempt amount.
For each payroll period determined pursuant to paragraph (b) of this section, amounts exempt from levy pursuant to section 6334(a)(9) and this section are as follows:

(1) If such payroll period is weekly: $50, plus $15 for each person who is claimed as a dependent pursuant to paragraph (d) of this section.
(2) If such payroll period is biweekly: $100, plus $30 for each person who is claimed as a dependent pursuant to paragraph (d) of this section.
(3) If such payroll period is semimonthly: $108.33, plus $32.50 for each person who is claimed as a dependent pursuant to paragraph (d) of this section.
(4) If such payroll period is monthly: $216.67, plus $65 for each person who is claimed as a dependent pursuant to paragraph (d) of this section.
(5) If such payroll period is not weekly, biweekly, semimonthly or monthly: a proportionate amount based upon the sum of an annual exemption of $2,600 plus $780 for each person who is claimed as a dependent pursuant to paragraph (d) of this section.

(d) Dependent exemption—(1) Dependent defined.
For purposes of this section, a person is a dependent of an individual for any payroll period of such individual, if—
(i) Over half of such person’s support for such payroll period was received from the individual, and
(ii) Such person is the spouse of the individual, or bears a relationship to the individual specified in section 152(a) (1) through (9) (relating to definition of dependent), and
(iii) Such person is not a minor child of the individual with respect to whom amounts are exempt from levy under section 6334(a)(8) (relating to exemption from levy for judgments for support of minor children) at any time during such payroll period.

For purposes of subdivision (ii) of this subparagraph, “payroll period” shall be substituted for “taxable year” each place it appears in section 152(a)(9).

(2) Claim for dependent exemption. No amount prescribed by paragraph (c) of this section as being exempt from levy for each person who is claimed as a dependent pursuant to this paragraph shall be so exempt unless there is delivered to the employer or other person upon whom notice of levy is served a written statement, signed by the individual seeking such exemption and containing a declaration that it is made under the penalties of perjury, which identifies, by name and by relationship to such individual, each person for whom a dependent exemption is claimed.

(e) Cross references.
(1) For the requirement for notice of intent to levy on salary or wages, see section 6331(d)(1).
(2) For the continuing effect of a levy on salary or wages, see section 6331(d)(3).
(3) For other property exempt from levy, see section 6334 and § 301.6334–1.

(f) Effective date.
The regulations prescribed by this section shall apply with respect to levies on wages, salary, and other income made after February 28, 1977.

(Sec. 6334(d) (90 Stat. 1709; 68A Stat. 917; 26 U.S.C. 6334))
[T.D. 7468, 42 FR 12042, Mar. 2, 1977]

PARTS 405–419 [RESERVED]

PART 420—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SOURCE: T.D. 7347, 40 FR 12075, Mar. 17, 1975, unless otherwise noted.
§ 420.0–1 Certain existing plans may elect new provisions.

(a) In general. The plan administrator (as defined in section 414(g)) of a plan that was in existence on January 1, 1974, may elect to have the provisions of the Code relating to participation, vesting, funding, and form of benefit (as in effect from time to time) apply to a plan year selected by the plan administrator which begins after September 2, 1974, but before the otherwise applicable effective dates determined under section 1017 (b) or (c), 1021, or

854