

109TH CONGRESS
1ST SESSION

H. R. 1574

To amend the Internal Revenue Code of 1986 and the Economic Growth and Tax Relief Reconciliation Act of 2001 to restore the estate tax and repeal the carryover basis rule and to increase the estate tax unified credit to an exclusion equivalent of \$3,500,000.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2005

Mr. MOORE of Kansas (for himself and Mr. CASE) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 and the Economic Growth and Tax Relief Reconciliation Act of 2001 to restore the estate tax and repeal the carryover basis rule and to increase the estate tax unified credit to an exclusion equivalent of \$3,500,000.

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. RESTORATION OF ESTATE TAX; REPEAL OF**
4 **CARRYOVER BASIS.**

5 (a) IN GENERAL.—Subtitles A and E of title V of
6 the Economic Growth and Tax Relief Reconciliation Act
7 of 2001, and the amendments made by such subtitles, are

1 hereby repealed; and the Internal Revenue Code of 1986
2 shall be applied as if such subtitles, and amendments, had
3 never been enacted.

4 (b) SUNSET NOT TO APPLY.—

5 (1) Subsection (a) of section 901 of the Eco-
6 nomic Growth and Tax Relief Reconciliation Act of
7 2001 is amended by striking “this Act” and all that
8 follows and inserting “this Act (other than title V)
9 shall not apply to taxable, plan, or limitation years
10 beginning after December 31, 2010.”.

11 (2) Subsection (b) of such section 901 is
12 amended by striking “, estates, gifts, and transfers”.

13 (c) CONFORMING AMENDMENTS.—Subsections (d)
14 and (e) of section 511 of the Economic Growth and Tax
15 Relief Reconciliation Act of 2001, and the amendments
16 made by such subsections, are hereby repealed; and the
17 Internal Revenue Code of 1986 shall be applied as if such
18 subsections, and amendments, had never been enacted.

19 **SEC. 2. INCREASE IN THE UNIFIED CREDIT AGAINST THE**
20 **ESTATE TAX.**

21 (a) IN GENERAL.—Subsection (c) of section 2010 of
22 the Internal Revenue Code of 1986 (relating to applicable
23 credit amount) is amended by striking all that follows “the
24 applicable exclusion amount” and inserting “. For pur-

1 poses of the preceding sentence, the applicable exclusion
2 amount is \$3,500,000.”.

3 (b) INFLATION ADJUSTMENT.—Section 2010 of such
4 Code is amended by redesignating subsection (d) as sub-
5 section (e) and by inserting after subsection (c) the fol-
6 lowing new subsection:

7 “(d) INFLATION ADJUSTMENT.—In the case of any
8 decedent dying in a calendar year after 2006, the dollar
9 amount in subsection (c) shall be increased by an amount
10 equal to—

11 “(1) such dollar amount, multiplied by

12 “(2) the cost-of-living adjustment determined
13 under section 1(f)(3) for such calendar year, deter-
14 mined by substituting ‘2005’ for ‘1992’ in subpara-
15 graph (B) thereof.

16 If any increase determined under the preceding sentence
17 is not a multiple of \$10,000, such increase shall be round-
18 ed to the nearest multiple of \$10,000.”.

19 (c) CONFORMING AMENDMENT.—Section 6018(a)(1)
20 of such Code is amended by striking “section 2010(c)”
21 and inserting “section 2010”.

22 (d) EFFECTIVE DATE.—The amendments made this
23 section shall apply to estates of decedents dying, and gifts
24 made, after December 31, 2005.

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