

Public Law 94-528

94th Congress

An Act

To amend the Internal Revenue Code of 1954 to provide for a distribution deduction for certain cemetery perpetual care fund, to modify the effective dates of certain provision of the Tax Reform Act of 1976, and for other purposes.

Oct. 17, 1976

[H.R. 1142]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 642 of the Internal Revenue Code of 1954 (relating to special rules for credits and deductions of estates and trusts) is amended by redesignating subsection (j) as subsection (k) and by adding after subsection (i) the following new subsection:

“(j) **CERTAIN DISTRIBUTIONS BY CEMETERY PERPETUAL CARE FUNDS.**—In the case of a cemetery perpetual care fund which—

“(1) was created pursuant to local law by a taxable cemetery corporation for the care and maintenance of cemetery property, and

“(2) is treated for the taxable year as a trust for purposes of this subchapter,

any amount distributed by such fund for the care and maintenance of gravesites which have been purchased from the cemetery corporation before the beginning of the taxable year of the trust and with respect to which there is an obligation to furnish care and maintenance shall be considered to be a distribution solely for purposes of sections 651 and 661, but only to the extent that the aggregate amount so distributed during the taxable year does not exceed \$5 multiplied by the aggregate number of such gravesites.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 1977, and shall apply to amounts distributed during taxable years ending after December 31, 1963.

SEC. 2. (a) Subsection (d) of section 1204 of the Tax Reform Act of 1976 (relating to jeopardy and termination assessments) is amended by striking out “December 31, 1976” and inserting in lieu thereof “February 28, 1977”.

(b) Subsection (c) of section 1205 of the Tax Reform Act of 1976 (relating to administrative summons) is amended by striking out “December 31, 1976” and inserting in lieu thereof “February 28, 1977”.

(c) Subsection (e) of section 1209 of the Tax Reform Act of 1976 (relating to minimum exemption from levy for wages, salary, and other income) is amended by striking out “December 31, 1976” and inserting in lieu thereof “February 28, 1977”.

(d) Subsection (c) of section 7809 of the Internal Revenue Code of 1954 (relating to deposit of collections) is amended—

Taxes.

Cemetery
perpetual care
funds.

26 USC 642.

26 USC 651,
661.

26 USC 642 note.

Ante, p. 1695.*Ante*, p. 1699.*Ante*, p. 1709.

26 USC 7809.

(1) by striking out “and” at the end of paragraph (2) thereof;
 (2) by striking out the comma at the end of paragraph (3) thereof and inserting in lieu thereof a semicolon and “and”; and
 (3) by adding at the end of paragraph (3) thereof the following new paragraph:

26 USC 6110.

“(4) work or services performed (including materials supplied) pursuant to section 6110 (relating to public inspection of written determinations).”

Effective date.

Ante, p. 1520.

(e) The amendments made by this section shall take effect on the date of the enactment of the Tax Reform Act of 1976.

Approved October 17, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1344 (Comm. on Ways and Means).

SENATE REPORT No. 94-1317 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Aug. 24, considered and passed House.

Oct. 1, considered and passed Senate, amended;

House concurred in Senate amendments.