

ants, donees described in section 812 (d), and donees described in section 861 (a) (3). As used in this subparagraph, the term 'descendant' includes adopted and illegitimate descendants, and the term 'spouse' includes former spouse; and

"(B) a power to appoint within a restricted class if the decedent did not receive any beneficial interest, vested or contingent, in the property from the creator of the power or thereafter acquire any such interest, and if the power is not exercisable to any extent for the benefit of the decedent, his estate, his creditors, or the creditors of his estate.

If a power to appoint is exercised by creating another power to appoint, such first power shall not be considered excepted under subparagraph (A) or (B) from the definition of power of appointment to the extent of the value of the property subject to such second power to appoint. For the purposes of the preceding sentence the value of the property subject to such second power to appoint shall be its value unreduced by any precedent or subsequent interest not subject to such power to appoint.

"(3) DATE OF EXISTENCE OF POWER.—For the purposes of this subsection the power of appointment shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the exercise of the power takes effect only on the expiration of a stated period after its exercise, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised."

(b) DEDUCTIONS FOR CHARITABLE, ETC., USE.—

(1) AMENDMENT TO SECTION 812 (d).—Section 812 (d) (relating to deduction in case of estates of citizens or residents) is amended by inserting after the first sentence the following new sentence: "Property includible in the decedent's gross estate under section 811 (f) received by a donee described in this subsection shall, for the purposes of this subsection, be considered a bequest of such decedent."

(2) AMENDMENT TO SECTION 861 (a) (3).—Section 861 (a) (3) (relating to deduction in case of estates of nonresidents not citizens) is amended by inserting after the first sentence the following new sentence: "Property includible in the decedent's gross estate under section 811 (f) received by a donee described in this paragraph shall, for the purposes of this paragraph, be considered a bequest of such decedent."

(c) LIABILITY OF RECIPIENT OF PROPERTY OVER WHICH DECEDENT HAD POWER OF APPOINTMENT.—Section 826 (relating to collection of unpaid tax) is amended by adding at the end thereof the following new subsection:

"(d) LIABILITY OF RECIPIENT OF PROPERTY OVER WHICH DECEDENT HAD POWER OF APPOINTMENT.—Unless the decedent directs otherwise in his will, if any part of the gross estate upon which the tax has been paid consists of the value of property included in the gross estate under section 811 (f), the executor shall be entitled to recover from the person receiving such property by reason of the exercise, nonexercise, or release of a power of appointment such portion of the total tax paid as the value of such property bears to the sum of the net estate and the amount of the exemption allowed in computing the net estate, determined under section 935 (c), or section 861, as the case may be. If there is more than one such person the executor shall be entitled to recover from such persons in the same ratio."

53 Stat. 124, 130.  
26 U. S. C. §§ 812  
(d), 861 (a) (3).  
*Infra.*  
*Post*, pp. 949, 950.

53 Stat. 124.  
26 U. S. C. § 812 (d).  
*Post*, p. 949.

*Ante*, p. 942.

53 Stat. 130.  
26 U. S. C. § 861 (a)  
(3).  
*Post*, pp. 949, 950.

*Ante*, p. 942.

53 Stat. 127.  
26 U. S. C. § 826.  
*Post*, p. 945.

*Ante*, p. 942.

53 Stat. 142.  
26 U. S. C. § 935 (c).  
*Post*, p. 951.  
53 Stat. 129.  
26 U. S. C. § 861;  
Supp. I, § 861.  
*Post*, pp. 946-951.