

***“Tea Leaves and Storm Warnings: How the Biden Tax Agenda
Could Affect Charitable Gift Planning”***

With control of the Senate shifting to the Democratic party caucus, it becomes reasonable to speculate that some components of President Biden's tax agenda may be enacted as early as 2021, and that some of it may be made retroactive to the start of the current tax year.

In this hour, we will look at several key elements of that agenda that might strengthen or weaken tax incentives for charitable gift planning, notably a ratcheting back of the estate and gift tax exclusion amounts to 2009 levels, with an increase in the top marginal rates, elimination of the "zeroed out" grantor retained annuity trust as a gift tax leveraging strategy, an increase in the marginal rates at which long-term capital gains are taxed at higher income levels, among others.

Any legislation actually pending at the time of the conference we will examine more closely, tracking its progress through committees to the floor.

Time permitting, we will also take a look at recent decisions from the Tax Court and other courts that could affect wealth transfer planning generally and charitable gift planning in particular.