

who was not engaged in business in the United States during the calendar year in which the gift was made, is subject to the gift tax only if the gift consists of real estate or tangible personal property situated within the United States.

**SECTION 2513.—GIFT BY HUSBAND OR WIFE
TO THIRD PARTY**

Rev. Rul. 56-439

Where a gift is made in trust the terms of which provide that the trustee is to distribute any part or all of the income or principal of the trust to or among the spouse of the donor and any lineal descendants and/or spouses of lineal descendants of the donor at such times and in such proportions and amounts as he in his sole discretion shall determine, the value of the right to receive the income or principal to be distributed to the wife is not susceptible of determination. See Rev. Rul. 55-303, C. B. 1955-1, 471. Under such circumstances, the gift to the wife is not severable from the gifts to the other beneficiaries. Accordingly, it is held that the gift may not to any extent be considered as made one-half by the donor and one-half by his spouse within the meaning of section 2513 of the Internal Revenue Code of 1954.

SUBTITLE C.—EMPLOYMENT TAXES

**CHAPTER 21.—FEDERAL INSURANCE
CONTRIBUTIONS ACT**

SUBCHAPTER A.—TAX ON EMPLOYEES

SECTION 3101.—RATE OF TAX

26 CFR 31.3101: Statutory provisions; rate
of tax.

T.D. 6190¹

TITLE 26.—INTERNAL REVENUE, 1954.—CHAPTER I, SUBCHAPTER C, PART 31.—
EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Introductory provisions of the regulations relating to the employment taxes imposed by subtitle C (chapters 21 to 25, inclusive) of the Internal Revenue Code of 1954, as amended; and regulations under chapter 21 (Federal Insurance Contributions Act) of such Code.

DEPARTMENT OF THE TREASURY,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington 25, D. C.

*To Officers and Employees of the Internal Revenue Service and Others
Concerned:*

On February 14, 1956, notice of proposed rulemaking with respect to regulations relating to the employment taxes imposed by subtitle

¹The publication of this Treasury Decision in 21 F. R. 5261, dated July 14, 1956, contains (1) instructions modifying the notice of proposed rulemaking published in 21 F. R. 1011, dated February 14, 1956, and (2) the full context of the regulations with such modifications. As here published, the Treasury Decision reflects the full context of such regulations, with modifications. The individual instructions have been eliminated.