such section are not to apply to the transfer of the estate of a decedent whose loss of U.S. citizenship resulted from the application of section 301(b), 350, or 355 of the Immigration and Nationality Act, as amended. These sections are discussed in connection with section 877(d), as added by section 3(e) of the bill.

(*e*) *Burden of proof.*—Subsection (e) of section 2107 provides that, in determining whether a principal purpose for the loss of United States citizenship by an expatriate was the avoidance of U.S. income, estate, or gift taxes, the Secretary of the Treasury or his delegate must first establish that it is reasonable to believe that the decedent's loss of U.S. citizenship would, but for section 2107, substantially reduce his combined Federal and foreign death taxes (including death taxes imposed by political subdivisions of foreign countries). In the absence of complete factual information, the Secretary or his delegate may make a determination, based on the information available, that the decedent's loss of U.S. citizenship would, but for section 2107, substantially reduce his combined Federal and foreign death taxes. Such tentative determination is to be sufficient to establish that it is reasonable to so believe, in the absence of a showing by the executor of the decedent's estate of the actual reduction in such taxes resulting from the decedent's loss of U.S. citizenship.

Such tentative determination may be based upon the fact that the laws of the country of which the decedent became a citizen and the laws of the country of which the decedent was a resident (including the laws of the political subdivisions of such countries) would ordinarily result, in the case of an estate of a person of the decedent's citizenship and residence, in liability for death taxes substantially lower than the amount of tax imposed by subchapter A of chapter 11 of the code on estates of citizens of the United States.

Once the Secretary of the Treasury or his delegate has established that it is reasonable to believe that the decedent's loss of U.S. citizenship would, but for section 2107, substantially reduce his combined Federal and foreign death taxes, the executor of the decedent's estate must show that such loss did not have for one of its principal purposes the avoidance of U.S. income, estate, or gift taxes.

SECTION 8 OF BILL—CONTINUED

CODE SECTION 2108. APPLICATION OF PRE-1967 ESTATE TAX PROVISIONS

(*a*) *Imposition of more burdensome tax by foreign country.*—Subsection (a) of section 2108 provides that whenever the President finds that (1) the tax system of any foreign country (including the tax systems of its political subdivisions) imposes a more burdensome tax on the transfer of estates of decedents who were United States citizens not residents of that country than the tax imposed by subchapter B of chapter 11 of the code, as amended (exclusive of this section), on the transfer of estates of decedents who were residents of such foreign country; (2) that such country has not revised or reduced its tax, when requested by the United States to do so, to make it no more burdensome than such U.S. tax; and (3) that it is in the public interest to apply pre-1967 estate tax provisions to estates of residents of such country who were not citizens or residents of the United