

# IRS Releases Final Anti-Clawback Regulations

December 23, 2019  
Boston Bar Association

---

On November 26, 2019, the Treasury Department and the IRS issued final regulations adopting the regulations that were proposed in November of 2018 ([83 Fed. Reg. 59343 \(Nov. 23, 2018\)](#)), effectively ensuring that if a decedent uses the increased basic exclusion amount for gifts made while the Tax Cuts and Jobs Act (TCJA) is in effect and dies after the sunset of the TCJA (currently scheduled for Jan. 1, 2026), the decedent won't be treated on his or her estate tax return as having made adjusted taxable gifts in excess of his or her basic lifetime exclusion amount ([Treasury Decision 9884](#)).