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## **ESTATE TAX REPEAL AND STEPPED-UP BASIS**

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### **Issue:**

The Tax Cuts and Jobs Act, passed in 2017, temporarily doubles the estate tax exemption to \$11 million per person through 2025. In addition, the legislation preserves stepped-up basis and continues to allow the transfer of any unused exemption to a surviving spouse. The new exemption level will protect the vast majority of our nation's farm and ranches from the devastating consequences of estate taxes, but a potential return to a \$5.5 million per person exemption in 2026 is troublesome. Instead of spending money to upgrade buildings, purchase equipment and further invest in livestock herds, farmers and ranchers will have to continue to divert resources to pay for estate planning and life insurance. Farm Bureaus supports making the \$11 million estate exemption permanent as a step toward the eventual repeal of estate taxes.

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### **Background:**

Individuals, family partnerships and family corporations own over 99 percent of our nation's more than 2 million farms and ranches. America values these family-owned farms and ranches because of the food, fiber, and fuel they produce; the contribution that agriculture makes to job creation and the economy; and the open space that farming and ranching protect. Yet, our nation's estate tax laws have often been in direct conflict with the desire to preserve and protect family-owned farms and ranches.

Farm Bureau believes that tax laws must protect, not harm, the family farms that grow America's food and fiber, which often have rates of return that are miniscule compared to almost any other investment they could make. What is needed are tax policies that do not punish capital-intensive businesses like farms and ranches, and that do not hinder sons and daughters from following the agricultural legacy of their parents.

The value of family-owned farms and ranches are tied to illiquid assets such as land, buildings and equipment. With 91 percent of farm and ranch assets illiquid, producers have few options when it comes to generating cash to pay the estate tax. When estate taxes on an agricultural business exceed cash and other liquid assets, surviving family partners may be forced to sell land, buildings or equipment needed to keep their businesses running. This not only can cripple a farm or ranch operation, but also hurts the rural communities and businesses that agriculture supports.

In spite of this much-appreciated relief provided by the Tax Cuts and Jobs Act, the cost of estate tax planning continues to be a burden for our nation's farm and ranch families. Unless Congress acts to make the \$11 million per person exemption permanent, the exemption will be reduced back to \$5.5 million in 2026. Even though increases in cropland values have moderated over the last three years, cropland values remain high. On average cropland values are 62% higher than they were a decade ago. As a result, more farms and ranches could top a \$5.5 million estate tax exemption and therefore must continue to divert resources from their operations to pay for estate tax planning.

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Legislative Status:

The Tax Cuts and Jobs Act doubled the estate tax exemption to \$11 million dollars per person indexed for inflation through 2025. In addition, it continues stepped-up basis and the transfer of any unused exemption to the surviving spouse. In 2026 the exemption will shrink back to \$5.5 million per person.

Reps. Jason Smith (R-Mo.) and Sanford Bishop (D-Ga) have introduced legislation, H.R. 5422, Death Tax Repeal Act, to repeal estate taxes while continuing the stepped-up basis. Farm Bureau supports.

Reps. Kristi Noem (R-S.D) and Sanford Bishop (D-Ga.) have introduced legislation, H.R.631, the Death Tax Repeal Act of 2017, to repeal estate taxes while continuing the stepped-up basis. Farm Bureau supports.

Sen. John Thune (R-S.D.) has introduced companion legislation in the Senate as S. 205. Farm Bureau supports.

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AFBF Policy:

Farm Bureau believes that estate taxes should be permanently eliminated.

Farm Bureau opposes the collection of capital gains taxes at death and supports the continuation of unlimited stepped-up basis.

Farm Bureau supports removing the limitation on the amount that property values can be reduced under Special Use Valuation Section 2032A. Timber harvesting or the sale of a conservation easement should not trigger a recapture of estate taxes.

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