

group to get very far, but their narrow cause has been furthered by a slick strategy of mobilizing a vast cross-section of the American public which is not even subject to the tax the tax-cutters seek to eliminate.

How can this be done, you ask? By instilling fear, by sleight-of-hand and by concealing the real facts, those seeking the cut have been able to enlist a huge portion of the taxpaying public in their selfish objective. This, dear friends, is the scenario that has brought us to where we are in the vigorous debate over the future of the federal estate tax.

By relabeling the estate tax the "death tax" (thereby maximizing all that term conjures up) and sweeping under the rug the crucial fact that the tax is only imposed on a small number of the wealthiest Americans (slightly over 1 percent of those who die each year), and then only to the extent the deceased person's assets exceed \$1 million (\$2 million for a married couple), a far larger-than-deserved army of supporters has been duped into lining up for the elimination of a tax that doesn't even affect them. In doing this, those opposing the estate tax have trotted out numerous fallacies to stir many to emotional highs. This misinformation must be scrutinized.

The estate tax can go since it raises such a small amount of revenue. This may be true if approaching 2 percent of total federal tax revenue is small. The fact is, though, just this month, due to the huge jump in wealth in this country, Treasury estimators had to increase the estate tax annual revenue estimate for next year from \$27 billion to \$31.4 billion. This puts the spot-light on the ever-widening and societally damaging economic gap between rich and poor, and the tax's larger share of revenue is going to make it politically and fiscally harder to obtain outright repeal.

Wealth has already been taxed. Since most of the wealth subject to the estate tax represents appreciation in value of assets like stock, securities, real estate and collectibles, which has not been, nor will it ever be, subject to income tax, this claim simply is not so. Because property owned by a decedent receives a new tax basis for income-tax purposes, the estate tax represents the last and only chance to tax that otherwise untaxed gain. Why should gain, generated by the huge stock market and real-estate boom and enjoyed by the wealthiest among us, escape any kind of taxation whatsoever?

Rates are unreasonably high. True, the top statutory estate-tax rate is 55 percent (reached on property in the estate in excess of \$3 million), but through sharp planning (primarily by using illusory minority and fractional interest discounts) the effective rate paid by the most well-to-do can be cut to less than half that. However, as income-tax rates are relatively flat (compared to what they were), more than one-third of the tax system's progressivity is attributable to the estate tax. Since those subject to the estate tax are those who benefit the most from the stable society that helped them prosper, there should be a place for a tax that measures the amount of taxation by the taxpayer's ability to pay and the estate tax, impacting only the very wealthiest, is designed to do that.

Cost of administration. The foes of the estate tax fallaciously trumpet that the cost to administer the estate tax exceeds the revenue it raises. A broad reading of the term "administration costs," would seem to include (1) IRS administration costs, (2) taxpayer planning costs, and (3) taxpayer compliance costs. At most, only 2 percent of the total IRS budget of about \$8 billion, or about \$150 million, is spent by it on all aspects of the estate tax. Regarding planning for the

tax, using what taxpayers actually pay to plan estates (e.g., from \$2,500 for estates less than \$2 million to \$50,000 for estates over \$40 million) the total of taxpayer planning costs, even assuming they may go through the process twice due to changes in the law, is less than \$1 billion. As to compliance, much of estate administration (e.g., listing of assets, accomplishing their transfer to heirs, etc.) would still be done even in an estate-tax-free world. Even if a generous number is used per estate in this regard, the total cost of all administration (public and private) does not exceed 7 percent of the \$30 billion revenue brought in by the estate tax.

Assets have to be sold to pay the tax. A great deal of the rhetoric on this issue revolves around the lack of liquidity to pay the estate tax and the related threat that businesses may have to be sold to pay the tax. Certainly, in large estates, sales will be necessary to pay the estate tax (note, at no income tax cost!). Most often, however, the assets sold are non-business financial assets (e.g., widely held stock or liquid real estate). In reality, the major need for liquidity arises not because the estate holds business property but, rather, because of the need to compensate, with a fair share, those heirs not wishing to stay in the business.

Further, the business in the estate is frequently sold simply because the heirs, having developed their own careers, have no desire to slave in their parents' vineyard. Most estate planners say they never see a forced sale of a business to pay the estate tax. However, since this point is really the only legitimate point opponents to the tax have raised, current scrutiny of the tax should include possible changes in the law designed to eliminate "fire-sale" business dispositions compelled to pay the IRS.

Obviously, few have a deep yearning to pay taxes. Equally obvious, all parts of our tax system can be improved. We cannot deny, however, Justice Holmes' statement that "Taxes are the price we pay for civilized society." The burden of those taxes should, though, be allocated rationally among our citizens, with those having the largest ability to pay assuming the greater responsibility. The estate-tax exemptions (presently on schedule to soon reach \$1 million, \$2 million for a married couple) are designed to exempt small and even mid-sized estates from the tax altogether, thus focusing the estate tax's impact on those with the most wealth available to pass to their heirs at death. Increasing those exemption levels to exempt even more middle-range estates may, indeed, be appropriate as more wealth is accumulated by the "near" rich. However, not only would gutting the entire estate tax knock a huge hole in federal revenues (hereby preventing the enactment of other tax cuts, such as fixing the marriage-tax penalty, designed for the far less affluent) it would be an unconscionable and unjustified boon to the very, very rich, something neither they nor this country needs.

COMMUNITY BANK OF THE BAY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Ms. LEE. Mr. Speaker, I rise to recognize the significance of the establishment of the Community Bank of the Bay in the East Bay of San Francisco in the 9th Congressional District of California. Community Bank of the Bay came into existence three years ago, today, through the vision of its founding Board of Directors and many community supporters.

Community Bank of the Bay is to be recognized for several reasons: it is the first formally chartered community development bank in the State of California, and was the third such Bank in the United States.

Community Bank of the Bay was also the first bank to be authorized as a Community Development Financial Institution (CDFI) by both the United States Treasury Department and the State of California.

Community Bank of the Bay is also to be recognized, and valued because it is committed to being an equal lending bank as well as an equal employment opportunity institution. Through my constituents, I have learned that the bank, and Mr. McDaniel, the President and Chief Executive Officer, take a personal interest in reaching out to ethnic minority borrowers, of both business and multi-family loans, who have been denied loans by larger banks. The bank goes to the prospective borrower, rather than sitting in marble halls waiting to intimidate a novice entrepreneur.

Over 70% of the Bank's borrowers are located in Oakland. Over 60% of the Bank's small business loans are to entrepreneurs who have never borrowed from a bank before. The Bank has developed a highly successful lending program with no losses to date and focuses on helping its customers succeed.

It pleases me that good service to the community is recognized by the community in terms of patronage: today, the Community Bank of the Bay has grown to \$34 million in assets with over \$28 million in deposits.

The primary focus for the Bank lending remains small businesses, non-profits and multi-family housing providers in low-to-moderate income census tracts.

Mr. Speaker, I am very proud of the vision and the performance of this wonderful bank which serves an underserved community, and yet waxes strong; grows in assets and deposits, meets its payroll and sinks its ever-stronger and deeper roots into a grateful community.

On behalf of my constituents, I want to congratulate the Community Bank of the Bay on its third anniversary and look forward to celebrating many more.

RECOGNITION OF THE ALEXANDER MACOMB CITIZEN OF THE YEAR AWARD

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1999

Mr. BONIOR. Mr. Speaker, today I rise to recognize the March of Dimes 1999 Alexander Macomb Citizens of the year. Beginning in 1984, a group of leading Macomb County citizens instituted the "Alexander Macomb Citizen of the Year" award. The award was named after Gen. Alexander Macomb, the country's namesake, who was a hero of the War of 1812, repelling a superior invading force at Lake Plattsburgh, NY, which kept the United States borders intact. Since the inception of the award, more than \$500,000 has been generated for the Macomb County County March of Dimes.

The Alexander Macomb Award is presented annually to deserving individuals who have demonstrated outstanding contributions and commitment to improving the quality of life in