THE TAX CUTS AND JOBS ACT OF 2017

Understanding the Impact and Opportunities for Your Clients

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Tax reform has been on the congressional to-do list for many years. On December 22, 2017, the first major tax overhaul in 30 years was signed into law; thus, a "completed" checkmark can finally be applied beside this monumental task, which happened very quickly during the last few months of 2017. At this point, it is too early to determine whether the Tax Cuts and Jobs Act of 2017 (TCJA) will result in economic growth, more jobs, and higher wages as promised by Republican lawmakers, or if the major benefactors will primarily be the wealthiest taxpayers and businesses at the expense of the average worker as forecasted by their Democratic counterparts in Congress. Whichever perspective you ascribe to, one thing is certain—your clients will need to reevaluate their current situations and consider making changes during 2018 and beyond. During this process, they will look to their financial professionals for help with adapting their investment and savings strategies to this new environment.

This white paper highlights the TCJA changes that are likely to have the greatest impact on your clients and introduces some strategic conversations you and your clients should be adding to your 2018 to-do lists.

The following table from the *Wall Street Journal* highlights the new taxable income rates after the TCJA.

Tax Rates and Brackets

Overhaul means new rates and thresholds for millions of tax filers.

SINGLE FILERS

PRIOR LAW, FOR 2018

Taxable Income	Rate
Over $426,700	39.6%
$424,951 – 426,700	35%
$195,451 – 424,950	33%
$93,701 – 195,450	28%
$38,701 – 93,700	25%
$9,526 – 38,700	15%
Up to $9,525	10%

CURRENT LAW, FOR 2018

Rate	Taxable Income
37%	Over $500,000
35%	$200,001 – 500,000
32%	$157,501 – 200,000
24%	$82,501 – 157,500
22%	$38,701 – 82,500
12%	$9,526 – 38,700
10%	Up to $9,525

MARRIED FILING JOINTLY

PRIOR LAW, FOR 2018

Taxable Income	Rate
Over $480,050	39.6%
$424,951 – 480,050	35%
$237,951 – 424,950	33%
$156,151 – 237,950	28%
$77,401 – 156,150	25%
$19,051 – 77,400	15%
Up to $19,050	10%

CURRENT LAW, FOR 2018

Rate	Taxable Income
37%	Over $600,000
35%	$400,001 – 600,000
32%	$315,001 – 400,000
24%	$165,001 – 315,000
22%	$77,401 – 165,000
12%	$19,051 – 77,740
10%	Up to $19,050

Sources: Internal Revenue Service; Conference Committee

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SECTION 1: CHANGES RESULTING FROM THE TCJA

Following is a summary of some of the most significant changes resulting from the TCJA. All changes are effective in 2018 unless otherwise noted. **Some TCJA changes are designed to be permanent, while other provisions are temporary and set to expire after 2025.** As you design long-term savings and investment strategies with your clients, it is important to keep in mind which options will potentially disappear in 2026.

INDIVIDUAL TAXPAYERS

Provision	TCJA Change	Sunsets After 2025
Income-Tax Rates	The seven tax brackets are retained, but the tax rates are reduced and the income level within each bracket is increased: 10%, 12%, 22%, 24%, 32%, 35%, and 37%. **The rate for most taxpayers will either be lower or remain the same.** For example, in 2017 a single taxpayer with $80,000 in income would have been in the 25% tax bracket. In 2018, this same individual will be in the 22% bracket. See the chart on page 1 for more information.	Yes
Deductions	◦ **Standard deduction**—The standard deduction is increased to $24,000 for a married couple filing jointly, $18,000 for a head of household, and $12,000 for a single filer (as compared to $12,700, $9,350 and $6,350, respectively, in 2017). This change will likely result in significantly more taxpayers using the standard deduction rather than itemizing deductions. ◦ **Personal exemption**—The $4,050 personal exemption is suspended. ◦ **Alimony deduction**—Effective for orders issued after December 31, 2018, alimony will no longer be deductible by payers or included in taxable income of individuals receiving payments **(does not sunset after 2025).** ◦ **Itemized deductions** – **Mortgage interest**—For home loans taken after December 15, 2017, taxpayers may only deduct interest on $750,000 of qualified home loans (this is down from $1 million in 2017). Qualified home loans are loans taken out to acquire a home. The mortgage-interest deduction is no longer available for home-equity loans or home-equity credit lines unless they are used to buy, build, or improve the home that secures the loan.	Yes

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INDIVIDUAL TAXPAYERS		
Provision	**TCJA Change**	**Sunsets After 2025**
Deductions *(continued)*	– **State and local taxes (SALT)**—The SALT deduction is now capped at $10,000 for income tax (or sales tax in lieu of income tax) and property tax. – **Medical expenses**—The threshold for claiming the deduction was reduced for 2017 and 2018 to medical expenses that exceed 7.5% of the taxpayer's adjusted gross income (AGI). **Beginning in 2019, the threshold goes back to 10% of the taxpayer's AGI.** ○ **Miscellaneous deduction**—The deduction for miscellaneous expenses subject to the 2% adjusted gross income limit such as tax preparation fees, investment fees, moving expenses, unreimbursed employee expenses, loss on IRAs/Roth IRAs upon full distribution, and loss incurred with nonqualified annuity after complete surrender was eliminated.	Yes
Alternative Minimum Tax (AMT)	AMT, which is designed to ensure that high-income individuals pay a minimum amount of income tax, will impact significantly fewer filers beginning in 2018. The amount of income that is exempt from AMT for married couples filing jointly increases to $109,400 (up from $84,500 in 2017) and to $70,300 (up from $54,300 in 2017) for single filers. Once a taxpayer reaches these new levels, the AMT exemption is phased out but at higher levels than in the past—up to $1,000,000 for married couples filing jointly and $500,000 for single filers.	Yes

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INDIVIDUAL TAXPAYERS		
Provision	**TCJA Change**	**Sunsets After 2025**
Child Tax Credit	The tax credit increases to $2,000 (up from $1,000 in 2017) for each child younger than age 17 who lived with the taxpayer for more than half the year. For married couples filing jointly, the full credit is available to those with income up to $400,000, and up to $200,000 for all other taxpayers. Up to $1,400 of the credit is refundable. Tax credits tend to be more valuable when compared to tax deductions; a credit will help dollar-for-dollar offset of taxes, while a deduction merely reduces the total taxable income.	Yes
Non-Child Dependent Credit	A new credit of $500 is available for each non-child dependent (e.g., parent, adult child with a disability, child 17 or older). This is a nonrefundable credit and is subject to the same income limits as the child tax credit.	Yes
529 Plan Education Savings for K–12	The scope of college savings plans, referred to as "529 plans," is expanded under the TCJA. A 529 plan is designed to encourage individuals to save for post-secondary education expenses by providing tax advantages; there are no federal income-tax deductions for contributions, but earnings grow tax-deferred and distributions are tax-free if used for "qualified education expenses" of the beneficiary. Qualified education expenses that justify a tax-free distribution were expanded to include up to $10,000 per year to pay for elementary and secondary school tuition for public, private, or religious schools.	No
Transfers to ABLE[1] Accounts	Assets from a 529 plan may also be rolled over to an ABLE account set up for an individual with a disability to cover certain costs including education, job training, healthcare, financial management, and basic living expenses. [1]ABLE Account: Achieving a Better Life Experience Act (ABLE Act) enacted in 2014, allowed states to establish and maintain a new type of tax-advantaged savings program (529A account) for a designated beneficiary to pay for qualified disability expenses.	Yes
Health Insurance Penalties	The individual mandate under the Affordable Care Act (ACA) that required individuals to pay a penalty unless they could provide proof of health insurance coverages when filing their tax return is eliminated beginning in 2019.	No

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INDIVIDUAL TAXPAYERS		
Provision	**TCJA Change**	**Sunsets After 2025**
Capital Gains and Net Income Investment Tax (NIIT)	The capital gains rates remain the same (0%, 15%, 20%) but have different income breakpoints. For example, a single filer will pay 0% if taxable income is $38,600 or less, 15% if taxable income is $38,601 to $425,800, and 20% if income is greater than $425,800. A married couple filing jointly will pay 0% if taxable income is $77,200 or less, 15% on income between $77,201 and $479,000, and 20% if income is greater than $479,000. The 3.8% net income investment tax (NIIT) that came into effect as a result of Affordable Care Act (ACA) did not change and may apply in addition to capital gains tax. The thresholds ($200,000 single/$250,000 married filing jointly) are unchanged and not adjusted for inflation. But with certain deductions that could reduce income subject to NIIT eliminated or capped, taxpayers subject to this tax may pay increased amounts.	Yes

> The 3.8% net income investment tax (NIIT) that came into effect as a result of ACA did not change and may apply in addition to capital gains tax.

RETIREMENT SAVERS		
Provision	**TCJA Change**	**Sunsets After 2025**
Retirement Plan Limits and Tax Benefits	The feared changes to retirement savings limits and tax benefits, as well as the "Rothification" of contributions that appeared in early drafts of tax reform bills, were eliminated in the final law.	N/A
Roth Conversion Recharacterizations	An individual who does a Roth conversion will no longer be able to "undo" the conversion by recharacterizing it back to a traditional IRA. This recharacterization option was helpful to taxpayers when the assets dropped in value after being converted, when the added taxable income from the converted amount bumped them into a higher tax bracket, or if a taxpayer didn't have assets available to pay taxes on the converted amount. Contributions other than Roth conversions may still be recharacterized (e.g., Roth annual contribution may be recharacterized to a traditional IRA contribution).	No
Disaster Relief	Relief from the 10% tax for early withdrawal is provided for payouts of up to $100,000 from qualified plans, 403(b) plans, and IRAs made prior to 2018 by individuals in designated disaster areas. The distributions may be included in income ratably over three years and may be repaid to an eligible retirement plan within three years as rollover contributions. However, hardship distributions to repair a participant's residence are now limited to losses resulting from a federally declared disaster.	N/A

An individual who does a Roth conversion will no longer be able to "undo" the conversion by recharacterizing it back to a traditional IRA.

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RETIREMENT SAVERS		
Provision	**TCJA Change**	**Sunsets After 2025**
Loan Offset Rollovers	When a participant with an outstanding loan terminates employment or the plan terminates, most plans require the loan to be repaid within a short period of time. If the loan is not repaid, the account balance in the plan is debited for the loan amount and what is left in the account is paid to the participant. This is referred to as a loan offset. The amount of the loan offset is a taxable distribution (assuming pretax assets) and is eligible to be rolled to a new employer's plan or IRA within 60 days after the offset. If a participant cannot come up with money equal to the offset amount to complete the rollover within 60 days, the offset amount is included in the participant's taxable income (and the additional 10% federal tax, unless an exception applies). Tax reform extends the rollover period for a loan offset from 60 days to the tax-return due date for the year the distribution occurred. This gives the taxpayer more time to come up with the funds needed to preserve retirement savings rather than claiming the loan offset as taxable income.	No

LEGACY PLANNERS		
Provision	**TCJA Change**	**Sunsets After 2025**
Estate Taxes	The estate-tax exemption amount is doubled from $5.49 million in 2017 to $11.2 million per person beginning in 2018. As a result, the 40% estate tax rate will apply to far less property and assets transferred to heirs when someone dies.	Yes
Charitable Giving	The deduction for cash gifts to charitable organizations was increased to 60% of AGI (from 50% in 2017). If an individual exceeds the 60% threshold in a year, the excess amount can be carried over and used during the next five years. Any carryover amount used in a year reduces the charitable deduction available in that year.	Yes

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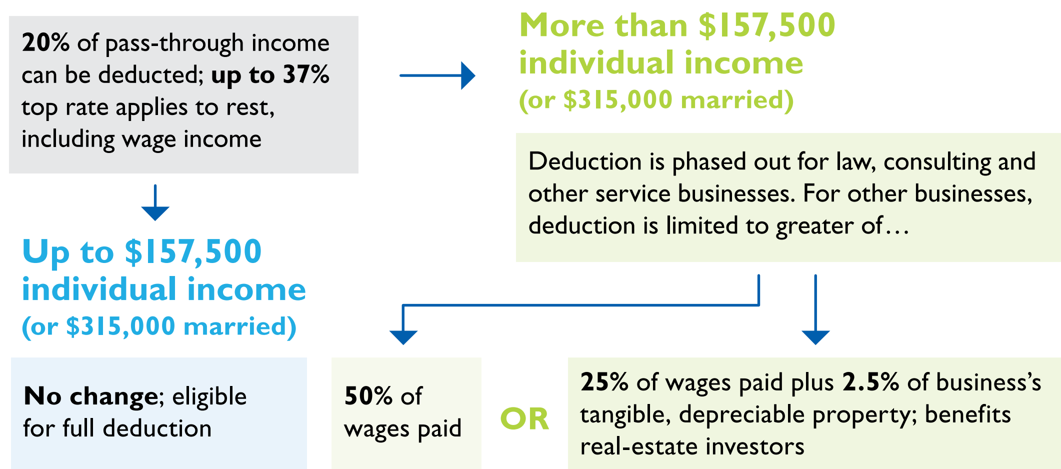
BUSINESSES		
Provision	**TCJA Change**	**Sunsets After 2025**
Pass-Through Income Deduction	In certain types of businesses such as sole proprietorships, partnerships, and Subchapter S corporations, the business income is "passed through" to the owner and is taxed at individual income-tax rates rather than taxed as business income. For a Subchapter S corporation, the owner must treat a certain amount of the pass-through income as W-2 wages. The TCJA retains the pass-through structure but provides a deduction against this income of up to 20% on qualified business income, defined as net income from the business, not including any compensation or wages paid to the business owner as an employee (e.g., a business owner in the top tax bracket would pay tax on pass-through income at a rate of 29.6% (37% reduced by 20%)). The calculation is complex and can be limited based on taxable income and the type of income. This provision has raised concerns that the benefits of operating and funding a retirement plan have been reduced for small-business owners and may not be as appealing as claiming the income as qualified business income because the value of the tax deduction is now lower, and amounts saved in a retirement plan will be taxed as ordinary income when distributed—without the 20% reduction available for pass-through income.	Yes

A Pass-Through Primer

How different types of businesses will be affected by the tax overhaul's rules on 'pass-through' business income.



Note: Trusts are now eligible for pass-through treatment

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BUSINESSES		
Provision	**TCJA Change**	**Sunsets After 2025**
Corporate Tax Rates	A reduction in the corporate tax rate was a key objective of the TCJA. The corporate tax rate is now a flat rate of 21%, replacing the graduated schedule with a top bracket of 35%. The AMT for corporations was also repealed.	No
Compensation and Fringe-Benefit Changes	Several provisions impact compensation including: • A 21% excise tax on compensation greater than $1 million for tax-exempt organizations. • The inclusion of performance-based compensation and commissions in the $1 million compensation deduction limit (previously excluded). • The inclusion of certain entertainment, transportation, and moving expenses in income (previously excluded).	Yes
CONSUMER PRICE INDEX (CPI)		
Chained[1] CPI Substitutes Current CPI-U	The consumer price index (CPI) is the most widely used measure of consumer price inflation. The CPI-U measures the average change over time in the prices paid by urban consumers for goods and services. Under the TCJA, the CPI inflation index has been changed to a "chained" CPI for purposes of calculating increases in the tax brackets (and other federal tax provisions). The chained CPI attempts to account for "substitution bias"—measures of inflation that do not account for the fact that many people may lessen the impact of inflation on their standard of living by purchasing fewer goods or services that have risen in price and, instead, buy more goods or services that have not risen in price or have risen less. Experts believe that chained CPI will result in less-frequent changes in the tax brackets, which could result in more taxpayers falling into higher tax brackets as their incomes increase. Unlike the temporary reduction in individual income-tax rates, this section of the Act is not scheduled to sunset.	No

[1]The TCJA ushered in the use of a "chained" consumer price index (CPI) as the measure of inflation used by the federal government for indexing. Inflation, and the resulting bumps in brackets and other numbers tied to cost-of-living adjustments (COLAs), are now determined by the Department of Labor's *Chained Consumer Price Index for All Urban Consumers (C-CPI-U)*.

The C-CPI-U incorporates changes in both the quantities and prices of products and services, rather than a fixed basket of goods and services, and attempts to reflect the choices people make when prices go up. For example, if the price of chicken goes up, some people may buy tofu instead of chicken as a protein substitute if it costs less. Sales of tofu soar, while the sales of chicken slump. The chained CPI essentially ignores the price increase of chicken on the theory that people aren't buying it.

BIPARTISAN BUDGET ACT

Some of the retirement-plan enhancements that did not make it into the final version of the TCJA were tacked onto the Bipartisan Budget Act (BBA) that was signed into law February 9, 2018.

- **Hardship Distributions**—For plan years after December 31, 2018, participants are no longer required to suspend payroll deduction contributions for at least six months after taking a hardship distribution. Hardships are no longer limited to just employee contributions and can be taken from qualified nonelective or qualified matching contributions. Finally, participants are no longer required to exhaust all available plan loans before qualifying for a hardship distribution.
- **California Wildfires**—BBA extends the relaxed loan and hardship options afforded hurricane victims to individuals whose principal place of residence was in a federally declared wildfire disaster area (increased loan limit up to $100,000, hardship distributions up to $100,000 exempt from the 10% tax for early distribution, ability to spread taxation over a three-year period, and the option to repay the amount within three years as a rollover). This relief is available for distributions between October 8, 2017, and January 1, 2019.
- **IRS Levy**—Effective for tax years after December 31, 2017, if the IRS levies retirement-plan accounts, and later determines the levy was wrong, the BBA allows the funds returned by the IRS to be restored to the plan as a rollover.

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SUNSET SUMMARY FOR SELECT TCJA PROVISIONS			
	TCJA Provisions	**Sunsets After 2025**	**Does Not Sunset After 2025**
Individual Taxpayers	*Income-Tax Rates*	Yes	
	Standard Deduction	Yes	
	Personal Exemption	Yes	
	Alimony Deduction		No
	Mortgage Interest	Yes	
	State and Local Taxes (SALT)	Yes	
	Medical Expenses	Reverts back to 10% of AGI in 2019	
	Miscellaneous Deduction	Yes	
	Alternative Minimum Tax (AMT)	Yes	
	Child Tax Credit	Yes	
	529 Plan Education Savings for K–12		No
	Transfers to ABLE Accounts	Yes	
	ACA Penalties		No (effective 2019)
	Capital Gains Tax	Yes	
Retirement Savers	*Roth Conversion Recharacterization*		No
	Loan Offset Rollovers		No
Legacy Planners	*Estate Tax*	Yes	
	Charitable Giving	Yes	
Businesses	*Corporate Tax Rates*		No
	Corporate AMT		No
	Pass-Through Income Deduction	Yes	
Chained CPI-U *(for Adjustment to Various Tax Parameters)*			No

SECTION 2: WHO ARE THE WINNERS AND LOSERS?

While it is still too early to understand the full impact—positive or negative—of the TCJA, there appear to be some clear winners and losers.

WINNERS	
Individual taxpayers who:	Will pay lower income-tax rates. Were subject to AMT. Have children or non-child dependents. Did not carry health insurance and would have been subject to the ACA penalty. Have capital-gains income. Have primary and secondary school expenses and wish to save in 529 plans. Work for large corporations that have announced increased wages, one-time bonuses, or additional retirement-plan contributions attributable to their tax savings under the TCJA.
Retirement savers who:	Are high earners and business owners who feared the loss or reduction of the tax benefits for saving in IRAs and employer-sponsored retirement plans through "Rothification" or reduced contribution and deduction limits. Change jobs and have an outstanding loan that they would like to roll over. Need to take a hardship distribution but do not want to miss out on making contributions for at least six months. Live in a federally declared disaster area and took loans or hardship distributions. Earn too much to make annual Roth IRA contributions but want to make "back-door" Roth contributions by converting or rolling over after-tax contributions.
Legacy planners who:	Have large estates with complex estate plans that will be able to simplify their plans. Plan to make large charitable contributions. Are at least age 70½ and have an IRA from which they can make qualified charitable distributions. Use donor-advised funds to help bunch charitable deductions.
Businesses that:	Pay less taxes due to the lower tax rates. Allocate a portion of the tax savings to employees through bonuses, wage increases, or other benefits.

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LOSERS	
Individual taxpayers who:	• Live in states with high state and local taxes (SALT) such as property and income taxes. • Take out large mortgages.
Retirement savers who:	• Want to diversify the tax character of IRA savings but can no longer recharacterize Roth conversions (e.g., if there is a market downturn or the conversion triggers a negative tax situation). • Are employees in small businesses whose owners may find the cost of administering a retirement plan less appealing as a result of the lower tax rate applicable to pass-through income. • Want to access retirement savings to repair a home when the loss is not attributable to a federally declared disaster.
Legacy planners who:	• Are challenged to create a long-term strategy for the years following 2025 when critical provisions expire.
Businesses that:	• Are unincorporated and must treat a large portion of the business owner's earnings as wages rather than corporate income taxed at 21%. • Will have more employees with compensation exceeding the $1 million deduction limit due to the loss of exclusions. • Are tax-exempt and have employees earning more than $1 million.

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SECTION 3: PLANNING OPPORTUNITIES

As with most changes in life, you will want to help your clients capitalize on the positives presented by the TCJA and minimize the impact of any negative consequences. Even though IRS guidance is needed to clarify the application of some provisions as well as technical corrections from Congress, it is not too early to begin discussing the impact of the TCJA with your clients. As you consult with clients, you may find it beneficial to include your clients' tax and legal advisors to address tax considerations as well as gifting or estate planning objectives. Following are some strategies to consider in those conversations.

INDIVIDUAL TAXPAYERS

- **Estimated payments and withholding**—Confirm appropriate adjustments have been made in payments of estimated taxes and withholding.
- **Deduction strategies**—Facilitate discussions with clients and tax advisors regarding strategies for optimizing use of itemized deductions (e.g., consolidating deductible activity in certain tax years) versus years the standardized deduction is used.
- **Best use of tax savings**—Explore strategies such as boosting retirement or education savings, paying off debt, or building an emergency fund.
- **Interplay of savings vehicles**—Introduce strategies of integrating savings objectives through 529 plans, IRAs, or employer-sponsored plans.
- **Manage income for government benefits**—Individual tax rates may be lower; nevertheless, clients receiving Social Security retirement benefits and covered by Medicare will need to manage levels of income for possible taxation of benefits and additional monthly premiums.

RETIREMENT SAVERS

- **Capitalizing on the back-door Roth IRA option**—For high earners ineligible for Roth IRA contributions who want to diversify the tax character of IRA savings, discuss the option of making after-tax IRA contributions that are then converted to a Roth IRA, keeping in mind the conversion option can no longer be "undone" through a recharacterization.
- **Lower tax rates for Roth conversions**—Help clients evaluate the impact of a Roth conversion under the lower tax rates that apply to most individuals while emphasizing the permanent nature of the conversion decision without the ability to "undo" a Roth conversion through recharacterization.
- **Preserving retirement savings through loan rollovers**—For plan sponsors, facilitate discussions with service providers to explore plan amendments and administrative changes needed to facilitate the rollover of loans; for participants, provide education about the benefits of preserving retirement savings rather than including the offset amount in taxable income.
- **Maintaining savings after a hardship distribution**—Introduce strategies for minimizing the savings impact of a hardship distribution by continuing to make contributions after the hardship or repayment of hardships taken in connection with a disaster situation.

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> Even though IRS guidance is needed to clarify the application of some provisions as well as technical corrections from Congress, it is not too early to begin discussing the impact of the TCJA with your clients.

LEGACY PLANNERS

- **Simplification of estate plans**—Encourage clients to review estate-planning documentation with legal advisors to adjust strategies that were tied to the lower estate-tax limits; monitor state estate-tax limits. Discuss how an estate plan is more than just managing tax impact; use this opportunity to ensure all changes in circumstances (e.g., divorce, birth of a child) have been addressed in the plan.
- **Maximizing tax benefits for charitable giving**—Individuals age 70½ or older who do not itemize deductions may have a greater tax benefit by making charitable contributions directly from traditional IRAs to charitable organizations; because qualified charitable distributions (QCDs) can be used to fulfill the required minimum distribution (RMD) for a year, an individual can claim the standard deduction ($24,000 for a married couple filing jointly in 2018), make a charitable contribution that aligns with their giving objectives, and satisfy their RMD without including the IRA distribution in taxable income.

BUSINESSES

- **Choice of business entity**—Encourage business owners to review their business structures (e.g., C corporation versus LLC) with tax and legal advisors.
- **Best use of tax savings**—Explore strategies for sharing tax savings with employees (e.g., retirement plan contributions, wage adjustments, bonuses).
- **Payroll administration changes**—Confirm business-owner clients have made the necessary withholding and other payroll adjustments to implement rule changes.
- **Executive compensation review**—Encourage business owners to engage with their tax and legal advisors to review compensation structures and fringe-benefit programs.

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Conclusion

Pacific Life has the tools and resources to help you navigate this new legislation. Contact our Retirement Strategies Group at (800) 722-2333, ext. 3939, send email to RSG@PacificLife.com, or visit our website for more information.

More information can be found on Thrive.PacificLife.com.

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