



## 税务快讯之美国税改系列 个人所得税——协调方案公布



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德勤百年庆 开创新纪元

### 背景

众议院和参议院通过协调委员会程序解决了双方在税改提案中的差异，并由众议院筹款委员会主席、德克萨斯州共和党人 Kevin Brady 在 12 月 15 日正式公布了参议院和众议院关于《减税和就业法案》（H.R.1）的协调方案。

### 下一步动向

虽然众议院已经于美国时间 12 月 19 日投票通过了税改议案。但是由于违反了参议院的某些规定，众议院将再次就减税议案进行投票。

刚刚，在撰写本次快讯时，参议院于美国时间 12 月 20 日凌晨投票通过了税改方案，接下来众议院会在 12 月 20 日上午时间再次进行投票。一旦众议院的这次投票获得通过，税改法案将送交特朗普总统签字生效。有关税改法案的进一步消息将于后期更新。

### 关键提案总结

下表是协调方案中对个人纳税人和公司的国际雇员派遣计划产生重大影响的部分提案的总结。涉及公司，穿透实体、以及免税实体的税务影响不在本次快讯中讨论。

	现行法规	协调方案
个人所得税率	10%、15%、25%、28%、33%、35%以及39.6%。	10%、12%、22%、24%、32%、35%以及37%。
个人免税额	2017年每个纳税人，配偶和被抚养人的免税额为US\$4,050。	取消所有个人免税额
标准免税额	单身人士的标准免税额为6,300美元，联合申报的标准免税额为12,600美元。	单身人士的标准免税额为12,000美元，联合申报的标准免税额为24,000美元。
房屋贷款利息的减免	主要住房和第二套房子的贷款利息可以作为分项抵扣项目。可作为分项抵扣的房屋贷款利息限于100万美元住宅购置贷款利息和10万美元住宅权益贷款利息。	主要住房和第二套房子的贷款利息可以作为分项抵扣项目。贷款利息扣除额度上限降为75万美元的住宅购置贷款利息。住宅权益贷款利息不允许扣除。
其他逐项扣除	逐项扣除包括：医疗费用，州税和地方所得税，房产税，慈善捐赠等。超过调整后总收入的10%的医疗费用才可以扣除。扣除额会因为收入超过一定的额度而受到限制。	取消逐项扣除的整体限制。保留州与地方政府所得税、销售税和房产税扣除，但扣除限额为1万美元。慈善捐款限额从调整后总收入的50%提高到60%。可以扣除的医疗费用从超出调整后总收入的10%降低为7.5%。
最低限额税	联合申报的免税额为84,500美元，未婚申报的免税额为54,300美元，已婚分开申报的免税额为42,250美元。	保留个人最低限额税。联合申报的免税额增加到109,400美元，其他申报方式的免税额增加到70,300美元。
赠与税/遗产税	一生最大免税额为560万美元（2018年）。	一生最大免税额提高到1,120万美元（2018年）。
子女税优惠	每位合格的子女可使用的子女税优惠是1,000美元。联合申报的税收优惠在收入达到11万美元以上开始降低。	每位合格子女可使用的子女税优惠提高为2,000美元（其中1,400美元为直接退税补贴）。提供除子女外其他被抚养人每人500美元的税收优惠，但不可以退税。联合申报的税收优惠在收入达到40万美元以上开始降低。
奥巴马医改	包括3.8%的净投资所得税，个人强制医保罚款和0.9%的额外的医疗保险税。	从2018年12月31日之后，取消个人强制医保罚款。

搬家费	符合条件的和工作相关的搬家费可以做税前抵扣。雇主报销的符合条件的员工搬家费可以被视为免税福利。	取消搬家费的抵扣；公司报销的搬家费要记为收入。
赡养费	支付离婚和分居赡养费的配偶一方可以抵扣收入，而获得赡养费的一方要确认收入。	2018年12月31日之后执行的离婚和分居协议相关的赡养费不能做税前抵扣项目。

## 注意事项

- 个人在2017年底前提前支付的未来年度的州和地方所得税不允许在2017年联邦税上做抵扣。
- 协调方案并未对目前销售主要住房的所得免除做出更改(在现行法规下，对于在过去5年中拥有和使用超过2年的主要住房，联合申报者的出售收入免税额是50万美元，单独申报者则为25万美元)。
- 除去个人强制医保罚款，其他有关个人所得税改动都将在2025年之后废止。
- 在协调方案下，个人所得税最高税率为37%，但对已婚人士有明显的“惩罚”，因为年应税所得达到50万美元的单身纳税人才适用最高税率37%，而年所得60万美元的已婚纳税人就已适用最高37%的税率。
- 协调方案对于赡养费的规定基本是按照众议院的提案执行，但是将生效时间推迟了一年。有赡养费支出的纳税人需要考虑这一改动带来的税务影响。如果可能，可以考虑重新协商离婚或者分居协议相关条款。

## 联系方式

如果您需要了解美国税改的最新动态，对您企业的影响以及所需要的应对措施，欢迎联系德勤中国的美国税改专项服务小组个人所得税成员：

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## 往期回顾

或将深刻改变美国及国际税收领域规则的美国税改进程如何？对赴美投资及跨境经营有何影响？【[德勤税务快讯之美国税改系列](#)】将及时与您分享我们的专业解读。点击浏览往期内容，并请关注更多后续进展。

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- 12月4日 — [【德勤税务快讯之美国税改系列】中国企业赴美投资的税务影响](#)
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## Tax Newsflash on US Tax Reform Impacts on individual taxpayers and employer global mobility and rewards programs



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### Background

House Ways and Means Committee Chairman Kevin Brady, R-Texas, on December 15 released the official conference report for the Tax Cuts and Jobs Act (H.R. 1) after House and Senate conferees resolved the remaining differences in their competing versions of the legislation.

### Up next

At the writing of this alert, very early in the morning on December 20 (just after midnight), the Senate passed the measure. The House already approved the legislation on December 19 US time, however, due to a violation of certain Senate rules, the House will revote on the legislation later in the morning of December 20. After the House vote, the legislation will be sent to President Trump for signing, as which

point it will become law. Further update on the legislation will be released when available.

### **Summary of key provisions**

Key provisions in the conference agreement that may be relevant to individual taxpayers and company's global mobility program are highlighted briefly below. Tax proposals relating to corporate, pass-through entities, tax-exempt entities are not the subject of this alert.

	<b>Current law</b>	<b>Conference Agreement</b>
<b>Individual Income Tax Rates</b>	10%, 15%, 25%, 28%, 33%, 35%, and 39.6%.	10%, 12%, 22%, 24%, 32%, 35%, and 37%.
<b>Personal Exemptions</b>	US\$4,050 for each person, spouse and dependents (2017).	Repeal all personal exemptions.
<b>Standard Deduction</b>	US\$6,300 for single individuals; US\$12,600 for joint filers.	US\$12,000 for single individuals; and US\$24,000 for joint filers.
<b>Mortgage Interest Deduction</b>	The deduction is limited to US\$1 million on acquisition indebtedness and up to US\$100,000 on home equity indebtedness for a primary home and a second home.	The deduction is limited to US\$750,000 on acquisition indebtedness for a primary home and a second home. Interest on home equity indebtedness is not deductible.
<b>Other Itemized Deductions</b>	Itemized deduction includes medical and dental expense, state and local income taxes, real estate Tax, charitable donation, etc. Medical and dental expense which exceeds 10% of adjusted gross income ("AGI") is deductible. Those deductions are subject to phase out if income meets certain threshold.	Repeal of overall limitation on itemized deductions. Retains state and local income, sales and property taxes deduction for up to US\$10,000. The AGI limit for charitable donation deduction is increased from 50% to 60%. The AGI limit for medical expense reduces from 10% to 7.5%.
<b>Alternative Minimum Tax</b>	Exemption amount is US\$84,500 for joint filers, US\$54,300 for unmarried filers and US\$42,250 for married individuals filing separate returns.	Retains alternative minimum tax for individuals.  Exemption amount is increased to US\$109,400 for joint filers and US\$70,300 for all other taxpayers.
<b>Gift/Estate Tax</b>	Life-time exclusion is up to US\$5.6 million (for 2018).	Life-time exclusion is increased to US\$11.2 million (for 2018).
<b>Child Tax Credit</b>	US\$1,000 per qualifying child. Phase-out begins when AGI reaches US\$110,000 for joint filers.	US\$2,000 per qualifying child (up to US\$1,400 refundable) and a US\$500 non-refundable credit for qualifying dependents other than children. Phase-out increases

		to US\$400,000 for joint filers.
<b>Obamacare Taxes</b>	3.8% net investment income tax; 0.9% Medicare payroll tax; individual mandate tax penalty.	Repeals individual mandate penalty for months beginning after December 31, 2018.
<b>Moving Expenses</b>	Moving expenses in connection with jobs are deductible provided that certain requirements are met. Qualified employee moving expenses, if reimbursed by employer, can be treated as non-taxable fringe benefit.	Repeal moving expense deduction and exclusion for qualified moving expense reimbursements.
<b>Alimony Payment</b>	Alimony and separate maintenance payments are deductible by the payer spouse and includible in income by the recipient spouse.	Alimony and separate maintenance payments for any divorce or separation instrument executed after December 31, 2018 are not deductible by the payer spouse.

### Notable provisions

- Under the provision, an individual may not claim an itemized deduction in 2017 on a pre-payment of income tax for a future taxable year in order to avoid the limitation applicable for taxable years beginning after 2017.
- The agreement does not change the current law related to the exclusion of gain on the sale of a primary residence. (Under current law, a gain of up to US\$250,000 single/US\$500,000 married filing jointly can be excluded if the taxpayer has owned and used the home as a principal residence for at least two of the last five years.).
- Except for individual mandate tax penalty, all of the individual tax changes will expire after 2025.
- Under the agreement, the top individual income tax rate will be 37%. However, the 37% rate also comes with a significant "marriage penalty." It will apply to single filers with taxable incomes over US\$500,000 but kicks in for married couples whose taxable income exceeds US\$600,000.
- The agreement generally follows the House bill on the alimony payment. However, the conference agreement delays the effective date of the provision by one year. Taxpayers with alimony payment may need to consider the impact and renegotiate a divorce or separation instrument, if possible.

### Contact list



Please contact any of Deloitte China's US Reform Task Force members below for more information, and how it may impact your business and what you should be doing now.

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