

Chapter 6: New Developments

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Please note. Corrections were made to this workbook through January of 2018. No subsequent modifications were made. For clarification about acronyms used throughout this chapter, see the Acronym Glossary at the end of the Index.

For your convenience, in-text website links are also provided as short URLs. Anywhere you see **uofi.tax/xxx**, the link points to the address immediately following in brackets.

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Chapter Summary

Qualified small employer health reimbursement arrangements (HRAs) were introduced effective January 1, 2017. Now, small employers can offer their employees an HRA for payment or reimbursement of an employee's or family member's medical expenses without violating provisions of the Affordable Care Act (ACA). However, employees covered by an HRA who also participate in an ACA plan can have their ACA premium tax credits reduced or eliminated.

Ransomware is a particularly malicious form of malware that prevents access to a computer, data, or software application pending payment of a ransom. Recent reported attacks employed crypto-ransomware that targets computer files for encryption before demanding a ransom for restored access. Several recent ransomware campaigns used tax- and IRS-themed emails to deliver this malware. Tax practitioners are urged to consider FBI advice on prevention measures and secure data management policies. Appropriate responses to a ransomware attack are also addressed.

In response to implementation of the Department of Labor's fiduciary rule, mutual fund companies have begun offering new share classes designed to avoid conflicts of interest on the part of retirement plan advisors. The low expense ratios of these new share classes may also appeal to individual investors. However, if the investor hires an advisor to manage these investments, they may get no tax deduction for associated investment management fees. Tax professionals who are considered fiduciaries because they provide retirement plan investment advice should be aware of the severe penalties that can result from prohibited transactions.

No new enrollments are being accepted for the myRA program which is being wound down by the Treasury Department. Existing myRA accounts will remain open and accessible and account holders can opt to roll over their entire account balance to a Roth IRA.

SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS

LEGISLATIVE HISTORY

On December 13, 2016, President Obama signed into law the 21st Century Cures Act (the Act).¹ The Act funds technologies and research into cures for cancer, Alzheimer's, opioid addiction, and other medical issues. In addition, the Act includes bipartisan legislation to reinstate health reimbursement arrangements (HRAs) for small employers as they were originally intended.

Section 18001 of the Act allows eligible employers to fund HRAs to reimburse eligible employees for medical expenses and for **nongroup plan health insurance premiums** (including those purchased from the health insurance exchange under the Patient Protection and Affordable Care Act (ACA)).²

Before the passage of the Act, employers that provided such HRAs violated provisions of the ACA and were subject to penalties of \$100 per day.³ The rationale for this was that the HRA contravened the ACA's market reform rules because the annual benefit under the HRA is limited.⁴ To be in compliance with the market reform rules, the HRA had to be integrated with other employer-provided coverage as part of a group health plan. If the other coverage complies with the annual dollar limit prohibition, the HRA is considered in compliance with the market reform rules. In this case, penalties do not apply because the combined benefit complies with the annual dollar limit prohibition.⁵ The annual dollar prohibition is specified in §2711 of the Public Health Service Act, which states that a group health plan may not establish any annual limit on the dollar amount of essential health benefits for any individual.

Unfortunately, these rules were forcing small employers to drop their HRA plans entirely, leaving their employees without a tax deduction for their medical costs⁶ (other than as an itemized deduction⁷), which was not the original intention of HRAs. Consequently, the Act excludes certain HRAs from the definition of employer group plans subject to the market reform rules. These HRAs are now termed qualified small employer HRAs (QSE HRA)⁸ and are allowable for years beginning after December 31, 2016.⁹

¹. PL 114-255 (Dec. 13, 2016).

². PL 111-148 (Mar. 23, 2010).

³. IRC §4980D.

⁴. IRS Notice 2013-54, 2013-40 IRB 287.

⁵. Ibid.

⁶. *Small Business Health Reimbursement Accounts Resurrected For 2017*. Ebeling, Ashlea. Jan. 05, 2017. Forbes. [www.forbes.com/sites/ashleaebeling/2017/01/05/small-business-health-reimbursement-accounts-resurrected-for-2017/#72f6b47b72f6] Accessed on Aug. 1, 2017.

⁷. IRC §213.

⁸. IRC §9831(d).

⁹. PL 114-255 (Dec. 13, 2016).

QUALIFIED SMALL EMPLOYER HRA

Effective January 1, 2017, a QSE HRA must fulfill the following requirements.¹⁰

- The sole funding is from an **eligible employer**, and no employee salary reduction contributions may be made.
- Payment or reimbursement of an employee's or family member's medical expenses is made only after the employee provides proof of healthcare insurance coverage. (Allowable medical expenses of the employee (or family members) are the same as those allowed as an itemized deduction, which includes medical insurance premiums.¹¹)
- Annual medical expense reimbursements cannot exceed \$4,950 per employee, or \$10,000 if the arrangement includes the employee's family members. (These dollar amounts are prorated for eligible employees covered by the HRA for less than a year and are subject to future cost-of-living inflation adjustments.)
- The arrangement is provided on the same terms to **all eligible employees** of the eligible employer.

Eligible Employers

Eligible employers are those that:¹²

- Employed an average of less than 50 full-time employees during the preceding calendar year, and
- Do not offer a group health plan to any of their employees.

Eligible Employees

The term eligible employees for this purpose includes all employees of an eligible employer, except that the arrangement **may** exclude the following employees.¹³

- Employees who have not completed 90 days of service
- Employees who have not attained age 25
- Part-time or seasonal employees
- Employees covered by a collective bargaining agreement if accident and health benefits were the subject of good faith bargaining
- Nonresident alien employees who receive no earned income from the employer from sources within the United States

¹⁰ IRC §9831(d)(2).

¹¹ IRC §213(d).

¹² IRC §9831(d)(3)(B).

¹³ IRC §§9831(d)(3)(A) and 105(h)(3)(B).

EMPLOYER NOTIFICATION REQUIREMENTS

An employer that funds a small employer HRA for any year must provide a written notice to each eligible employee not later than 90 days before the beginning of the year. For an employee who is not eligible to participate in the HRA at the beginning of such year, the employer must provide the notice on the date on which the employee is first eligible. The notice must include the following information.¹⁴

- The amount of the eligible employee's permitted benefit for the year (A **permitted benefit** is the maximum dollar amount of payments and reimbursements that may be made under the terms of the qualified HRA for an eligible employee.)
- A statement that the eligible employee must provide information about the amount of the permitted HRA benefit to any health insurance exchange to which the employee applies for advance payment of the premium tax credit (PTC)
- A statement that if the employee does not have minimum essential coverage (an ACA requirement) for any month, the employee may be subject to tax under IRC §5000A for that month and the HRA reimbursements may be includable in gross income

Employers failing to provide their employees with written notice are subject to a \$50 penalty per employee per incident of failure. The maximum cumulative employer penalty is \$2,500 per calendar year.¹⁵ For a year beginning in 2017, employers will not be treated as failing to timely furnish the initial written notice if the notice is furnished to eligible employees no later than 90 days after the Act's date of enactment.¹⁶ That 90-day deadline expired on March 13, 2017.¹⁷ Because the IRS did not publish guidance by March 13, it extended the deadline to 90 days after the issuance of guidance. Employers that furnish the QSE HRA notice to their eligible employees before further guidance is issued may rely upon a reasonable good faith interpretation of the statute to determine the contents of the notice.¹⁸

TAX TREATMENT OF HRA CONTRIBUTIONS AND REIMBURSEMENTS

Contributions to HRAs are deductible by the employer. HRA reimbursements are excluded from the employee's taxable wages.¹⁹

The employer reports HRA contributions on an employee's Form W-2, *Wage and Tax Statement*, by using code FF in box 12.²⁰

¹⁴ IRC §§9831(d)(4)(A) and (B).

¹⁵ IRC §6652(o).

¹⁶ PL 144-255 (Section 18001(a)(7)(D)(ii)).

¹⁷ IRS Notice 2017-20.

¹⁸ Ibid.

¹⁹ IRS Notice 2013-54; IRC §105(b).

²⁰ General instructions for Forms W-2 and W-3.

COORDINATION WITH PREMIUM TAX CREDIT

For purposes of the ACA PTC, a taxpayer must have minimum essential coverage. A taxpayer's PTC is based on the number of coverage months during the year in which the taxpayer qualifies for the PTC. The term **coverage month**²¹ is defined as any complete month during which the taxpayer, spouse, or dependent is covered by a qualified health plan and the premium for coverage is paid by the taxpayer (or through advance payment of the PTC).²² It does not include any month during which the employee has a qualified HRA that constitutes **affordable coverage**.²³ A qualified HRA is treated as constituting **affordable coverage** for a month if:

- The amount that would be paid by the employee as the premium for the month for self-only coverage under the second lowest cost silver plan offered in the relevant individual health insurance market, **minus**
- $\frac{1}{12}$ of the employee's permitted benefit, **does not exceed**
- $\frac{1}{12}$ of 9.69% (for plan years beginning in 2017)²⁴ of the employee's household income.²⁵ (The percentage is indexed annually for inflation.)²⁶

Note. For more information about the PTC, see the 2016 *University of Illinois Federal Tax Workbook*, Volume A, Chapter 6: New Developments.

Example 1. In 2017, George is an eligible employee in a qualified small employer HRA. His 2017 permitted benefit is \$4,950. The monthly cost of the second lowest cost silver plan offered in the relevant individual ACA health insurance market is \$500. George has 2017 household income of \$30,000.

To determine if George's HRA provides affordable coverage, his permitted monthly benefit of \$412.50 ($\$4,950 \div 12$) is subtracted from the applicable monthly premium of \$500, which equals \$87.50. This does not exceed $\frac{1}{12}$ of 9.69% of George's household income, or \$242.25 ($\$30,000 \times \frac{1}{12} \times 9.69\%$). Therefore, George's HRA **provides** affordable coverage for the month, and he **cannot** also claim the PTC for the month.

For a month when an HRA does not provide affordable coverage, an eligible employee's PTC (under the ACA) is reduced by $\frac{1}{12}$ of the employee's permitted HRA benefit (but not below zero).²⁷

Example 2. Use the same facts as **Example 1**, except the monthly premium of the second lowest cost silver plan is \$700.

To determine if George's HRA provides affordable coverage, his permitted monthly benefit of \$412.50 ($\$4,950 \div 12$) is subtracted from the applicable monthly premium of \$700, which equals \$287.50. This **exceeds** $\frac{1}{12}$ of 9.69% of George's household income, or \$242.25 ($\$30,000 \times \frac{1}{12} \times 9.69\%$). Therefore, George's HRA **does not provide** affordable coverage for the month. This means that he **can also claim** a PTC for the month. However, the amount of the monthly PTC must be reduced by \$412.50 (but not below zero).

EMPLOYEE NOTIFICATION REQUIREMENTS

The employee must report the amount of their permitted HRA benefit to the health insurance exchange if the employee applies for advance payment of the PTC.²⁸

²¹ IRC §36B(b)(1).

²² IRC §36B(c)(2).

²³ IRC §36B(c)(4).

²⁴ Rev. Proc. 2016-24, 2016-18 IRB 677.

²⁵ IRC §36B(c)(4).

²⁶ IRC §36B(c)(2)(C)(iv).

²⁷ IRC §36B(c)(4)(B).

²⁸ §1411(b)(3)(B) of the Patient Protection and Affordable Care Act.

EXTENDERS AND EXPIRING PROVISIONS

The Joint Committee on Taxation prepared the following list of federal tax provisions (other than those providing time-limited transition relief after the repeal of an underlying rule) that expired or are currently scheduled to expire in 2016–2026. This list includes references to the applicable Code section or other law.²⁹

A provision is considered expiring if, at a statutorily specified date, the provision expires completely or reverts to the law in effect before the present-law version of the provision. A suspension or deferral of the effective date of a provision is not considered an expiration. The expiration dates listed in this document apply to calendar year taxpayers. Different expiration dates may apply to fiscal year taxpayers or taxpayers with short tax years. Years where there are no expiring provisions are not listed.³⁰

PROVISIONS EXPIRED IN 2016

1. Credit for certain nonbusiness energy property (§25C(g)). Expired 12/31/16.
2. Credit for residential energy property (§25D).³¹ Expired 12/31/16.
3. Credit for qualified fuel cell motor vehicles (§30B(k)(1)). Expired 12/31/16.
4. Credit for alternative fuel vehicle refueling property (§30C(g)). Expired 12/31/16.
5. Credit for two-wheeled plug-in electric vehicles (§30D(g)(3)(E)(ii)). Expired 12/31/16.
6. Second generation biofuel producer credit (§40(b)(6)(J)). Expired 12/31/16.
7. Incentives for biodiesel and renewable diesel:
 - a. Income tax credits for biodiesel fuel, biodiesel used to produce a qualified mixture, and small agri-biodiesel producers (§40A). Expired 12/31/16.
 - b. Income tax credits for renewable diesel fuel and renewable diesel used to produce a qualified mixture (§40A). Expired 12/31/16.
 - c. Excise tax credits and outlay payments for biodiesel fuel mixtures (§§6426(c)(6) and 6427(e)(6)(B)). Expired 12/31/16.
 - d. Excise tax credits and outlay payments for renewable diesel fuel mixtures (§§6426(c)(6) and 6427(e)(6)(B)). Expired 12/31/16.
8. Beginning-of-construction date for non-wind renewable power facilities eligible to claim the electricity production credit or investment credit in lieu of the production credit (§§45(d) and 48(a)(5)).³² Expired 12/31/16.
9. Credit for production of Indian coal (§45(e)(10)(A)). Expired 12/31/16.
10. Indian employment credit (§45A(f)). Expired 12/31/16.
11. Railroad track maintenance credit (§45G(f)). Expired 12/31/16.
12. Credit for construction of new energy efficient homes (§45L(g)). Expired 12/31/16.
13. Mine rescue team training credit (§45N). Expired 12/31/16.

²⁹ *List of Expiring Federal Tax Provisions 2016–2026*. Joint Committee on Taxation. Jan. 4, 2017. [www.jct.gov/publications.html?func=startdown&id=4966] Accessed on Aug. 3, 2017.

³⁰ *Ibid.*

³¹ December 31, 2021, for qualifying solar energy property.

³² December 31, 2019, for wind.

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14. Credit for hybrid solar lighting system property (§48(a)(3)(A)(ii)). Expired 12/31/16.
15. Credit for geothermal heat pump property, small wind property, and combined heat and power property (§§48(a)(3)(A)(vii), 48(c)(4), and 48(c)(3)(A)(iv)). Expired 12/31/16.
16. Credit for qualified fuel cell and stationary microturbine power plant property (§§48(c)(1)(D) and (c)(2)(D)). Expired 12/31/16.
17. Qualified zone academy bonds: allocation of bond limitation (§54E(c)(1)). Expired 12/31/16.
18. Discharge of indebtedness on principal residence excluded from gross income of individuals (§108(a)(1)(E)). Expired 12/31/16.
19. Premiums for mortgage insurance deductible as interest that is qualified residence interest (§163(h)(3)). Expired 12/31/16.
20. Three-year depreciation for race horses two years old or younger (§168(e)(3)(A)). Expired 12/31/16.
21. Five-year cost recovery for certain energy property (§§168(e)(3)(B)(vi)(I) and 48(a)(3)(A)). Expired 12/31/16.
22. Seven-year recovery period for motorsports entertainment complexes (§§168(i)(15) and 168(e)(3)(C)(ii)). Expired 12/31/16.
23. Accelerated depreciation for business property on an Indian reservation (§168(j)). Expired 12/31/16.
24. Special depreciation allowance for second generation biofuel plant property (§168(l)). Expired 12/31/16.
25. Energy efficient commercial buildings deduction (§179D(h)). Expired 12/31/16.
26. Election to expense advanced mine safety equipment (§179E(g)). Expired 12/31/16.
27. Special expensing rules for certain film, television, and live theatrical productions (§181). Expired 12/31/16.
28. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico (§199(d)(8)). Expired 12/31/16.
29. Medical expense deduction: adjusted gross income (AGI) floor for individuals age 65 and older (and their spouses) remains at 7.5% (§213(f)). Expired 12/31/16.
30. Deduction for qualified tuition and related expenses (§222(e)). Expired 12/31/16.
31. Special rule for sales or dispositions to implement Federal Energy Regulatory Commission (“FERC”) or State electric restructuring policy (§451(i)). Expired 12/31/16.
32. Special rate for qualified timber gains (§1201(b)). Expired 12/31/16.
33. Empowerment zone tax incentives:³³
 - a. Designation of an empowerment zone and of additional empowerment zones (§§1391(d)(1)(A)(i) and (h)(2)). Expired 12/31/16.
 - b. Empowerment zone tax-exempt bonds (§§1394 and 1391(d)(1)(A)(i)). Expired 12/31/16.
 - c. Empowerment zone employment credit (§§1396 and 1391(d)(1)(A)(i)). Expired 12/31/16.
 - d. Increased expensing under §179 (§§1397A and 1391(d)(1)(A)(i)). Expired 12/31/16.
 - e. Nonrecognition of gain on rollover of empowerment zone investments (§§1397B and 1391(d)(1)(A)(i)). Expired 12/31/16.

³³ The empowerment zone tax incentives may have expired earlier than December 31, 2016, if a State or local government provided for an expiration date in the nomination of an empowerment zone, or the appropriate Secretary revoked an empowerment zone’s designation. The State or local government may, however, amend the nomination to provide for a new termination date.

34. Incentives for alternative fuel and alternative fuel mixtures:
 - a. Excise tax credits and outlay payments for alternative fuel (§§6426(d)(5) and 6427(e)(6)(C)). Expired 12/31/16.
 - b. Excise tax credits for alternative fuel mixtures (§6426(e)(3)). Expired 12/31/16.
35. Temporary increase in limit on cover over of rum excise tax revenues (from \$10.50 to \$13.25 per proof gallon) to Puerto Rico and the Virgin Islands (§7652(f)). Expired 12/31/16.
36. American Samoa economic development credit (§119 of PL 109-432 as amended by §756 of PL 111-312). Expired 12/31/16.

PROVISIONS EXPIRING IN 2017

1. Airport and Airway Trust Fund excise taxes:
 - a. All but 4.3 cents-per-gallon of taxes on noncommercial aviation kerosene and noncommercial aviation gasoline (§§4081(d)(2)(B) and 4083(b)). Expired 9/30/17.³⁴
 - b. Domestic and international air passenger ticket taxes and ticket tax exemption for aircraft in fractional ownership aircraft programs (§§4261(k) and 4261(j)). Expired 9/30/17.
 - c. Air cargo tax (§4271(d)). Expired 9/30/17.
2. Oil Spill Liability Trust Fund financing rate (§4611(f)(2)). Expires 12/31/17.

PROVISIONS EXPIRING IN 2018

1. Black Lung Disability Trust Fund: increase in amount of excise tax on coal (§4121(e)(2)). Expires 12/31/18.³⁵

PROVISIONS EXPIRING IN 2019

1. Specified health insurance policy fee (§4375(e)). Expires 9/30/19.
2. Self-insured health plan fee (§4376(e)). Expires 9/30/19.
3. Credit for health insurance costs of eligible individuals (§35(b)). Expires 12/31/19.
4. New markets tax credit (§45D(f)). Expires 12/31/19.
5. Work opportunity credit (§51(c)(4)). Expires 12/31/19.
6. Additional first-year depreciation with respect to qualified property (§§168(k)(1) and 460(c)(6)(B)). Expires 12/31/19.³⁶
7. Election to accelerate AMT credits in lieu of additional first-year depreciation (§168(k)(4)). Expires 12/31/19.³⁷
8. Election of additional depreciation for certain plants bearing fruits and nuts (§168(k)(5)). Expires 12/31/19.³⁸
9. Beginning-of-construction date for wind renewable power facilities eligible to claim the electricity production credit or investment credit in lieu of the production credit (§§45(d) and 48(a)(5)). Expires 12/31/19.³⁹
10. Look-through treatment of payments between related controlled foreign corporations under the foreign personal holding company rules (§954(c)(6)). Expires 12/31/19.

³⁴ The 4.3-cents-per-gallon rate is permanent.

³⁵ The increased amount of the excise tax on coal terminates the earlier of this date or the first December 31 as of which there is no balance of repayable advances made to the Black Lung Disability Trust Fund and no unpaid interest on such advances.

³⁶ Subject to a phasedown. December 31, 2020, for certain longer-lived and transportation property.

³⁷ December 31, 2020, for certain longer-lived and transportation property.

³⁸ Subject to a phasedown.

³⁹ Subject to a phasedown. December 31, 2021, for individual residential solar credit and enhanced business solar investment credit, and December 31, 2016, for other renewable power and alternative energy credits.

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PROVISIONS EXPIRING IN 2020

1. Placed-in-service date for eligibility for the credit for production from certified advanced nuclear power facilities (§45J(d)(1)(B)). Expires 12/31/20.

PROVISIONS EXPIRING IN 2021

1. Surtax on fuel used in aircraft in a fractional ownership program (§4043). Expires 9/30/21.
2. Credit for individuals for residential solar property (§25D(g)).⁴⁰ Expires 12/31/21.
3. Beginning-of-construction date for increased credit for business solar energy property (§48(a)(2)(A)(i)(II)).⁴¹ Expires 12/31/21.
4. Transportation costs of independent refiners (§199(c)(3)(C)). Expires 12/31/21.

PROVISIONS EXPIRING IN 2022

1. Highway Trust Fund excise tax rates:⁴²
 - a. All but 4.3 cents-per-gallon of the taxes on highway gasoline, diesel fuel, kerosene, and alternative fuels (§§4041(a) and 4081(d)(1)). Expires 9/30/22.⁴³
 - b. Reduced rate of tax on partially exempt methanol or ethanol fuel (§4041(m)). Expires 9/30/22.⁴⁴
 - c. Tax on retail sale of heavy highway vehicles (§4051(c)). Expires 9/30/22.
 - d. Tax on heavy truck tires (§4071(d)). Expires 9/30/22.
2. Leaking Underground Storage Tank Trust Fund financing rate (§§4041(d)(4), 4042(b)(4), and 4081(d)(3)). Expires 9/30/22.

PROVISIONS EXPIRING IN 2023

1. Highway Trust Fund excise tax rates:⁴⁵
 - a. Annual use tax on heavy highway vehicles (§4481(f)). Expires 9/30/23.

PROVISIONS EXPIRING IN 2025

1. Transfer of excess pension assets to retiree health and life insurance accounts (§420(b)(4)). Expires 12/31/25.

⁴⁰ Subject to a phasedown. December 31, 2016, for other residential energy property.

⁴¹ Subject to a phasedown. December 31, 2019, for wind, and December 31, 2016, for other renewable power and alternative energy credits.

⁴² The Highway Trust Fund excise tax rates relating to the annual use tax on heavy highway vehicles (§4481(f)) expire September 30, 2023.

⁴³ The 4.3-cents-per-gallon rate is permanent.

⁴⁴ After September 30, 2022, in the case of fuel none of the alcohol in which consists of ethanol, the rate is 2.15 cents-per-gallon. In any other case, the rate is 4.3 cents-per-gallon.

⁴⁵ Other Highway Trust Fund excise tax rates expire September 30, 2022.

RANSOMWARE

Tax professionals' client data attracts criminals who are using various strategies (e.g. remote computer access, phishing emails, ransomware, etc.) to illegally target this information. As discussed in the IRS Update chapter, tax practitioners **are required to have a written information security plan** to defend themselves from such attacks. The threat that ransomware poses to tax practitioners is illustrated in the following example.

Example 3. XYZ Tax Service employees arrived at work and found themselves unable to access any of the company's computer files. The computer screens said the system was locked and a ransom of \$1,200 in bitcoin must be paid to regain access to the firm's data. Owner Roger Fisher went to an uninfected computer and reported the incident to his local FBI office and made a complaint to the Internet Crime Complaint Center at www.IC3.gov. Roger also contacted his insurance company to determine whether his coverage includes the ransomware attack. He chose not to make any ransom payment until receiving guidance from law enforcement and his insurance company.

The purpose of ransomware is to maliciously prevent access to a computer, data, or software application pending payment of a ransom. Following infection of a computer, ransomware can:⁴⁶

- Prevent access to the computer's operating system;
- Encrypt files stored on the computer, thereby blocking access to them; and/or
- Stop software applications from running.

Subsequently, the ransomware typically demands a ransom, which when paid **may** restore access to the blocked computer/files.⁴⁷

HISTORY

The first documented ransomware attack occurred in 1989 when Joseph Popp, PhD, an AIDS researcher, distributed 20,000 floppy disks to fellow AIDS researchers. The disks were infected with malware that later became known as the digital version of the AIDS virus.⁴⁸ This rudimentary malware was activated after an infected computer was turned on 90 times, when it then displayed a ransom note on the screen demanding between \$189 and \$378 for a "software lease."

Since 1989, ransomware attacks remained uncommon until the mid-2000s, when computer processors were more capable of running crypto-ransomware (defined next) that implements time-consuming encryption algorithms.⁴⁹

⁴⁶ *Ransomware*. 2015. Microsoft. [www.microsoft.com/en-us/wdsi/threats/ransomware] Accessed on Aug. 1, 2017.

⁴⁷ *Ibid.*

⁴⁸ *First known ransomware attack in 1989 also targeted healthcare*. Jayanthi, Akanksha. May 11, 2016. Becker's Health IT & CIO Review. [www.beckershospitalreview.com/healthcare-information-technology/first-known-ransomware-attack-in-1989-also-targeted-healthcare.html] Accessed on Jun. 1, 2017.

⁴⁹ *A History of Ransomware Attacks: The Biggest and Worst Ransomware Attacks of All Time*. Lord, Nate. Jul. 27, 2017. DigitalGuardian. [digitalguardian.com/blog/history-ransomware-attacks-biggest-and-worst-ransomware-attacks-all-time] Accessed on Aug. 1, 2017.

TYPES OF RANSOMWARE

Following are two well-known types of ransomware.⁵⁰

1. **Lockscreen Ransomware.** This malware generally prevents access to the computer. The user becomes aware of the ransomware when a message appears on the computer screen stating that access to the computer is blocked. The user is provided with instructions for payment of a ransom if they wish to restore access to the computer.
2. **Crypto-ransomware.** This is a more focused computer attack, modifying stored files to render them inaccessible. Typically, files are encrypted. However, because file encryption is a time-consuming process, hackers may try to target sensitive files that are likely to be of the most value. The hacker identifies these files either through their extensions (e.g., .txt, .doc, .pdf, etc.) or by targeting specific folder locations. Once the encryption process is complete, the ransomware demands payment to obtain restored access to the affected files.

Caution. Payment of a ransom is never a guarantee that computer/file access will be restored.

RECENT STATISTICS

Between 2005 and March 2016, over 7,600 ransomware attacks were reported to the Internet Crime Complaint Center (IC3). In 2015, 2,453 ransomware complaints were reported to IC3 that cost victims over \$1.6 million.⁵¹ However, according to Kaspersky Lab,⁵² the number of reported ransomware attacks is small relative to the number of attacks occurring.

Worldwide, computer users who encountered ransomware between April 2015 and March 2016 rose to 2,315,931 from 1,967,784 in the previous year (April 2014 to March 2015).⁵³ This represents an annual increase in ransomware attacks of **17.7%**. While over 90% of those affected are home users, the number of corporate users attacked with crypto-ransomware rose **487%**, from 27,000 in 2014–2015 to 158,600 in 2015–2016.⁵⁴

According to a recent study, ransomware victims have paid more than \$25 million in ransoms over the last two years.⁵⁵

RECENT RANSOMWARE CAMPAIGNS

Worldwide Attack

In May 2017, the WannaCry crypto-ransomware campaign became a news headline.⁵⁶ As of May 19, 2017, over 200,000 computers in 150 countries were affected. Victims included hospitals, banks, telecommunications companies, and warehouses. WannaCry only affected computers using Microsoft Windows operating systems that had not been updated for this vulnerability or that were lacking suitable anti-virus protection. Once a computer is infected with WannaCry, it encrypts all the data. Then, a screen appears demanding \$300 in bitcoins in exchange for restored access (bitcoin is a digital currency that is particularly difficult to trace). If the ransom is not paid within 72 hours, the price increases until the victim risks permanent data loss.⁵⁷

⁵⁰ *Ransomware*. 2015. Microsoft. [www.microsoft.com/en-us/wdsi/threats/ransomware] Accessed on Aug. 1, 2017.

⁵¹ *A History of Ransomware Attacks: The Biggest and Worst Ransomware Attacks of All Time*. Lord, Nate. Jul. 27, 2017. DigitalGuardian. [digitalguardian.com/blog/history-ransomware-attacks-biggest-and-worst-ransomware-attacks-all-time] Accessed on Aug. 23, 2017.

⁵² *KSN Report: Ransomware in 2014-2016*. Jun. 2016. Kaspersky Lab. [securelist.com/files/2016/06/KSN_Report_Ransomware_2014-2016_final_ENG.pdf] Accessed on Jun. 2, 2017.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ransomware victims have paid out more than \$25 million, Google study finds*. Brandom, Russell. Jul. 25, 2017. The Verge. [www.theverge.com/2017/7/25/16023920/ransomware-statistics-locky-cerber-google-research] Accessed on Jul. 31, 2017.

⁵⁶ *WannaCry ransomware: Everything you need to know*. Sherr, Ian. May 19, 2017. CNET. [www.cnet.com/news/wannacry-wannacrypt-uwix-ransomware-everything-you-need-to-know/] Accessed on Jun. 2, 2017.

⁵⁷ *Ibid.*

Business Targets

Since 1989, the healthcare industry has been a prime target for ransomware. However, in the recent WannaCry attack, a wide range of businesses were victimized. Corporate organizations' increasing dependency on digital documents and automated accounting processes renders them particularly vulnerable to ransomware attacks.⁵⁸ A company whose tax records are encrypted with ransomware just before an important tax deadline may feel that the financial cost of losing access to those records outweighs the price of the ransom — a consideration that criminals are quick to exploit.⁵⁹

Tax and IRS-Themed Attacks on Individuals

Taxpayers have been the targets of tax and IRS-themed ransomware attacks. Typically, the ransomware is delivered via an email attachment.

Tax Refund Hoaxes. A spam email campaign reported in December 2015 claimed to be a refund notification from the IRS.⁶⁰ Two files were attached to the email (Tax_Refund_00654767.zip and Tax_Refund_00654767.doc.js). Opening the attachments initiated the ransomware payload, which overwrote and encrypted data stored on the computer. The victim was then told that the data could be restored by paying a ransom in bitcoins.

Ransomware was also delivered via an attached document purporting to be an application for a new loyalty tax refund program.⁶¹ The email claimed that the program was backed by a law cited as “act 2837 12a” — a complete fabrication. Exploiting people’s desire to get something for free, reports suggest that the hackers behind this campaign were demanding up to \$2,000 in bitcoins to decrypt and release files.

IRS Policy Violation Hoax. Another phishing email informs victims that they must review and complete an attached form because their tax profile violates IRS policies.⁶² To frighten victims into clicking on the attachment, the email informs them that they are subject to penalties if they do not respond. Once opened, the attachment runs crypto-ransomware that encrypts all files until a ransom is paid. A particularly worrisome aspect of this ransomware is that it was built with “ransomware-as-a-service,”⁶³ an off-the-shelf product that cybercriminals can easily customize.

IRS, TIGTA, and FTC Notification.⁶⁴ Recipients of IRS-related email spam, regardless of whether it is ransomware related, are advised not to open any attachments and to forward the email to **Phishing@IRS.gov**. Monetary losses stemming from a successful ransomware attack should be reported to the Treasury Inspector General for Tax Administration (TIGTA). A complaint should also be filed with the Federal Trade Commission (FTC) through their complaint assistant so that the information is available to investigators.

⁵⁸ *KSN Report: Ransomware in 2014-2016*. Jun. 2016. Kaspersky Lab. [securelist.com/files/2016/06/KSN_Report_Ransomware_2014-2016_final_ENG.pdf] Accessed on Aug. 1, 2017.

⁵⁹ Ibid.

⁶⁰ *Security Alert: Fileless Kovter Teams Up with Modular CoreBot Malware in IRS Spam Campaign*. Zaharia, Andra. Dec. 21, 2015. Heimdal Security. [heimdalsecurity.com/blog/security-alert-fileless-kovter-teams-modular-corebot-malware-irs-spam-campaign/] Accessed on Aug. 1, 2017.

⁶¹ *Tax Season: Phishing Emails, Ransomware, and Trojans. Oh My!* Gendre, Adrien. Apr. 20, 2017. VadeSecure. [blog.vadesecond.com/en/tax-season-phishing-emails-ransomware/] Accessed on Aug. 1, 2017.

⁶² Ibid.

⁶³ *RaaS | Ransomware-as-a-Service*. Gendre, Adrien. Mar. 23, 2017. VadeSecure. [blog.vadesecond.com/en/raas-ransomware-as-a-service/?utm_source=blog&utm_medium=blog-post&utm_campaign=contact-us&utm_content=tax-fraud-follow-up] Accessed on Aug. 1, 2017.

⁶⁴ *Report Phishing and Online Scams*. Apr. 20, 2017. IRS. [www.irs.gov/uac/report-phishing] Accessed on Aug. 1, 2017.

RESPONDING TO A RANSOMWARE ATTACK⁶⁵

According to their public service announcement on ransomware dated September 15, 2016, the Federal Bureau of Investigation (FBI) does not support paying a ransom to the adversary for the following reasons.

- Restored access to data is not guaranteed.
- The adversary is emboldened to target other victims for profit.
- It could provide an incentive for other criminals to engage in similar illicit activities.

Note. While the FBI does not support paying a ransom, it recognizes that business executives have responsibilities to protect their shareholders, employees, and customers. Consequently, when faced with the possible loss of vital business data, executives must evaluate all options.

Where and What to Report to Law Enforcement

The FBI requests that victims of ransomware attacks contact their local FBI office and/or file a complaint with the IC3, at www.IC3.gov. Victims should provide as much of the following information as possible.

1. Date of infection
2. Ransomware variant (identified on the ransom page or by the encrypted file extension)
3. Victim company information (industry type, business size, etc.)
4. How the infection occurred (link in email, browsing the Internet, etc.)
5. Requested ransom amount
6. Adversary's bitcoin wallet address (may be listed on the ransom page)
7. Ransom amount paid (if any)
8. Overall losses associated with the ransomware infection (including the ransom amount)
9. Victim impact statement

⁶⁵ *Ransomware Victims Urged to Report Infections to Federal Law Enforcement*. Sep. 15, 2016. FBI. [www.ic3.gov/media/2016/160915.aspx] Accessed on Aug. 1, 2017.

RANSOMWARE PREVENTION MEASURES⁶⁶

There are several measures that computer users can take to lessen their vulnerability to ransomware attacks. The FBI recommends users do the following.

- **Back up Data.** Regularly back up data and verify the integrity of those backups. Data backups may be the best way to recover critical data after a ransomware attack.
- **Secure Data Backups.** Ensure backups are not connected to the computers and networks they are backing up (because some instances of ransomware have the capability to lock cloud-based backups when systems continuously back up in real-time).
- **Scrutinize Email.** Beware of clicking links embedded in emails and do not open attachments included in unsolicited emails.
- **Download Trusted Software.** Only download software — especially free software — from trusted websites. When possible, verify the integrity of the software through a digital signature prior to execution.
- **Monitor Software Updates.** Ensure application patches for the operating system, software, and firmware are up to date, including Adobe Flash, Java, web browsers, etc.
- **Update Antivirus Protection.** Ensure anti-virus and anti-malware software applications automatically update and that regular system scans are conducted.
- **Disable File Macros.** Disable macro scripts from files transmitted via email. Open such files in read-only mode with editing disabled.
- **Restrict Executables.** Prevent the execution of programs in common ransomware locations, such as temporary folders supporting popular Internet browsers, or compression/decompression programs, including those located in the AppData/LocalAppData folders.

Secure Data Management Practices for Businesses

Besides taking the preceding measures, the FBI recommends that businesses consider the following policies (when applicable) to further enhance their data security.

- **Employee Awareness and Training.** Educate employees regarding the threat of ransomware, how it is delivered, and train them on information-security principles and techniques.
- **Real-time Software Updates.** Patch all endpoint device operating systems, software, and firmware as vulnerabilities are discovered by using, for example, a centralized patch management system.
- **Privileged Account Management.** Implement the principle of least privilege for the management of privileged accounts so that users are only assigned administrative (full) access when absolutely needed.
- **File Access Controls.** Configure default file access controls as read-only, with write access privileges granted only when necessary.
- **Virtualized Environments.** Consider using virtualized environments to execute operating system environments or specific programs.
- **Compartmentalized Data.** Categorize data based on organizational value, and implement physical/logical separation of networks so that sensitive research or business data does not reside on the same server as an organization's email environment.
- **Mandated Security Protocols.** Require users to type in information or enter a password when the system communicates with an uncategorized website.
- **Application Whitelist.** Implement application whitelisting by only allowing systems to execute programs known and permitted by security policy.

⁶⁶ Ibid.

THE FIDUCIARY RULE

On April 8, 2016, the U.S. Department of Labor (DOL) issued its final rule expanding the “investment advice fiduciary” definition under the Employee Retirement Income Security Act of 1974 (ERISA).⁶⁷ This **fiduciary rule** will be phased in from June 9, 2017, to January 1, 2018.⁶⁸ It applies to broker-dealers, investment advisers, insurance agents, plan consultants, and other intermediaries who are treated as fiduciaries to ERISA plans and individual retirement arrangements (IRAs). The definition of a “fiduciary” applies to intermediaries who provide **paid** investment advice regarding assets held in a retirement plan or IRA.⁶⁹ When treated as fiduciaries, intermediaries are precluded from receiving compensation that varies with the investment choices made by their clients or from recommending proprietary investment products.⁷⁰

TAX PROFESSIONALS ACTING AS FIDUCIARIES

Investment advice regarding ERISA plans, IRAs, and other plans that may cause the advisor to be regarded as a fiduciary includes recommendations on investment policies or strategies, portfolio composition, selection of other persons to provide investment advice or investment management services, and selection of investment account arrangements (e.g., brokerage versus advisory).⁷¹ Moreover, it also includes recommendations with respect to rollovers, transfers, or distributions from a plan or IRA, including whether, in what amount, in what form, and to what destination such a rollover, transfer, or distribution should be made.⁷² **Tax professionals who are providing their clients with such advice under a written or verbal arrangement should be aware that they may be considered fiduciaries subject to sanctions for prohibited transactions.**

EFFECT ON MUTUAL FUND SHARES

As a result of the fiduciary rule, mutual funds have begun offering “T-shares” and “clean shares.”⁷³

Featuring **uniform sales commissions**, T-shares (or transactional shares) aim to comply with the fiduciary rule by reducing or eliminating the potential for conflicts of interest on the part of financial advisors when making specific investment recommendations to clients. Mutual fund offerings have commonly been in the form of “**A-shares**” or “**C-shares**.” The former include a front-end load, or immediate fee (as a percentage of the purchase), as well as management fees and ongoing fees for distribution expenses, which are called 12b-1 fees.⁷⁴ Some of the front-end load usually constitutes a commission to the intermediary, and these commissions vary between mutual funds.⁷⁵ By contrast, C-shares do not charge a front-end load but have higher ongoing distribution fees instead.⁷⁶

⁶⁷ 81 FR 20945 (Apr. 8, 2016).

⁶⁸ *Conflict of Interest FAQs (Transition Period)*. May 2017. U.S. Department of Labor — Employee Benefits Security Administration. [www.dol.gov/sites/default/files/ebsa/about-ebsa/our-activities/resource-center/faqs/coi-transition-period.pdf] Accessed on Aug. 1, 2017.

⁶⁹ 29 CFR §2510.3-21.

⁷⁰ *3 trends that will impact your workplace in 2017*. Jun. 2017. American Bar Association. [www.americanbar.org/publications/youraba/2017/june-2017/3-legal-trends-affecting-the-workplace-this-year.html] Accessed on Aug. 1, 2017.

⁷¹ 29 CFR §2510.3-21(a).

⁷² *Ibid.*

⁷³ *Early Evidence on the Department of Labor Conflict of Interest Rule*. Szapiro, Aron & Ellenbogen, Paul. Apr. 13, 2017. Morningstar. [<https://corporate1.morningstar.com/ResearchLibrary/article/802119/early-evidence-on-the-department-of-labor-conflict-of-interest-rule/>] Accessed on Aug. 1, 2017.

⁷⁴ *Ibid.*

⁷⁵ *Front End Load*. Investopedia. [www.investopedia.com/terms/f/front-endload.asp] Accessed on Aug. 1, 2017.

⁷⁶ *Early Evidence on the Department of Labor Conflict of Interest Rule*. Szapiro, Aron & Ellenbogen, Paul. Apr. 13, 2017. Morningstar. [<https://corporate1.morningstar.com/ResearchLibrary/article/802119/early-evidence-on-the-department-of-labor-conflict-of-interest-rule/>] Accessed on Aug. 1, 2017.

Clean shares differ from A-shares because their cost does not include any front-end load fees that are subsequently passed on to third parties (including intermediaries), nor do they have 12b-1 fees.⁷⁷ Because the cost of clean shares does not include any front-end load, these investments will be of interest to investment managers seeking to comply with the new fiduciary rule. These investment managers can charge their clients a flat fee based on a percentage of the value of the investment portfolio under management.⁷⁸

Tax Treatment of Mutual Fund Expenses

The tax treatment applicable to mutual fund expenses varies depending upon whether shares in the mutual fund are held directly by an investor or through a retirement plan.

Mutual Fund Investments Held Directly. Mutual funds charge their shareholders an annual fee. Also known as the expense ratio, this fee may include 12b-1 fees (typically, broker's commissions),⁷⁹ management fees, administrative fees, operating costs, and all other asset-based costs incurred by the fund.⁸⁰ The expense ratio is deducted from the fund's assets.⁸¹ Consequently, the investor is effectively capitalizing these costs because a pro-rata share of the expense ratio is reflected in the fund's share value.⁸²

The front-end load (as associated with A-shares, for example) is part of the investor's cost basis in the shares.⁸³ Similarly, sales commissions incurred by an investor (purchasing T-shares, for example) are directly allocable to the asset and are therefore part of the cost basis of the asset.⁸⁴

In contrast, an investment management fee calculated as a percentage of the value of the investment portfolio is deductible as an itemized deduction subject to the 2% floor on miscellaneous itemized deductions.⁸⁵ This may result in no tax deduction for taxpayers subject to the regular income tax. Taxpayers subject to the alternative minimum tax (AMT) never receive a deduction for investment management fees because they are required to add back miscellaneous itemized deductions when computing taxable income for AMT purposes.⁸⁶

Clean shares and T-shares in mutual funds may appeal to individual investors if they have low expense ratios. However, investors who hire an advisor to manage these investments rather than overseeing them themselves may wind up with no tax deduction for associated investment management fees.

Mutual Fund Investments Held by Retirement Plans. When ERISA plans and IRAs invest in mutual funds, taxation is deferred until the time of distribution. Taxable distributions from ERISA plans and IRAs are generally an addition to the distributee's gross income and taxed at the distributee's marginal tax rate.⁸⁷

The expense ratio together with any other mutual fund expenses reduce the funds held in the retirement account. Thus, the taxpayer effectively gets a tax deduction at the taxpayer's marginal tax rate at the time of distribution. Retirement plans that switch to mutual fund clean shares or T-shares will benefit from the lower expense ratios without any change in the tax treatment of these investment expenses.

⁷⁷ Ibid.

⁷⁸ *New Fiduciary Rule For Financial Advisors Moves The Needle, But In Which Direction?* Hopkins, Jamie. Jun. 14, 2017. Forbes. [www.forbes.com/sites/jamiehopkins/2017/06/14/new-fiduciary-rule-for-financial-advisors-moves-the-needle-but-in-which-direction/#30758e324caa] Accessed on Aug. 1, 2017.

⁷⁹ *12b-1 Fee*. 2017. Morningstar. [www.morningstar.com/InvGlossary/12b-1_fee.aspx] Accessed on Aug. 1, 2017.

⁸⁰ *Expense Ratio*. 2017. Morningstar. [www.morningstar.com/InvGlossary/expense_ratio.aspx] Accessed on Aug. 1, 2017.

⁸¹ Ibid.

⁸² *Net Asset Value*. Investopedia. [www.investopedia.com/terms/n/nav.asp] Accessed on Jul. 12, 2017.

⁸³ *Mutual Funds and Taxes: A Primer to Help Lighten the Load*. Merrill Edge. [www.merrilledge.com/article/mutual-fund-and-taxes-a-primer-to-help-lighten-the-load] Accessed on Aug. 1, 2017.

⁸⁴ Treas. Reg. §1.263(a)-2(f)(2)(ii)(I).

⁸⁵ Temp. Treas. Reg. §1.67-1T(a)(1)(ii).

⁸⁶ IRC §56(b).

⁸⁷ Treas. Regs. §§1.402(a)-1 and 1.408-4.

EFFECT ON PLAN FIDUCIARIES

Adverse consequences (described later) can occur when the fiduciary engages in a prohibited transaction with a plan. Under IRC §4975(c)(1), a prohibited transaction is any of several transactions between a plan and a **disqualified person**. The list of **disqualified persons** is extensive and includes a fiduciary of the plan.⁸⁸ Transactions prohibited for IRA fiduciaries include the following.⁸⁹

- Use of IRA income or assets by the fiduciary (e.g., use of perks generated by an IRA investment)
- Use of IRA income or assets for the fiduciary's personal interest or account
- Receipt of consideration by a fiduciary from a party to a transaction involving IRA income or assets (e.g., kickbacks, gifts, and entertainment)

Prohibited Transactions Qualifying for Exemption

A transaction that otherwise would be prohibited may be permissible under one of the following exemptions.⁹⁰

- An exemption provided by IRC §4975(d)
- A class exemption issued by the DOL
- An individual exemption granted by the DOL

The rules for claiming these exceptions are beyond the scope of this section.

Consequences of Prohibited Transactions

There are two adverse consequences of an IRA fiduciary engaging in a non-exempted prohibited transaction.

- 1. Annulment of the IRA Account.** Under IRC §408(e)(2), the account ceases to be an IRA and all assets of the account are considered distributed at their FMV on the first day of the tax year in which the prohibited transaction occurred. These IRA distributions are then included in gross income under IRC §408(d)(1).
- 2. Payment of an Excise Tax.** The initial tax on a prohibited transaction is 15% of the amount involved for each year (or part of a year) in the tax period.⁹¹ If the transaction is not corrected within the tax period, an additional tax of 100% of the amount involved is imposed.⁹² Both taxes are payable by any disqualified person who participated in the transaction, including the fiduciary. If more than one person is a party to the transaction, each person can be jointly and severally liable for the entire tax.⁹³ However, if an account ceases to be an IRA because of a prohibited transaction, the beneficiaries of the IRA are exempt from these excise taxes.⁹⁴

ERISA plan fiduciaries are also subject to the excise taxes for prohibited transactions under IRC §4975(a) and (b) as are fiduciaries of all plans described in IRC §4975(e)(1).

⁸⁸ IRC §4975(e)(2).

⁸⁹ IRC §4975(c); *An Advisor's Guide to IRA Prohibited Transactions*. Givon, Amiram J. Jun. 14, 2016. WealthManagement.com. [www.wealthmanagement.com/retirement-planning/advisor-s-guide-ira-prohibited-transactions] Accessed on Aug. 1, 2017.

⁹⁰ IRC §4975(c).

⁹¹ IRC §4975(a).

⁹² IRC §4975(b).

⁹³ *Retirement Plan Investments FAQs*. Oct. 20, 2016. IRS. [www.irs.gov/retirement-plans/retirement-plan-investments-faqs] Accessed on Aug. 1, 2017.

⁹⁴ IRC §4975(e)(3).

Note. Although the IRS is responsible for enforcing the excise tax provisions in IRC §4975(a) and (b), it is bound by the DOL's interpretive regulations, rulings, opinions, and exemptions in determining whether a prohibited transaction has occurred.⁹⁵ The IRS recently announced a temporary excise tax nonapplicability policy under IRC §4975 to conform with the DOL temporary enforcement policy regarding the fiduciary duty rule.⁹⁶ During the phased implementation period ending on January 1, 2018, the DOL will not pursue claims against fiduciaries who are working diligently and in good faith to comply with the fiduciary duty rule and exemptions, or treat those fiduciaries as being in violation of the fiduciary duty rule and exemptions.⁹⁷

myRA RETIREMENT SAVINGS PROGRAM PHASEOUT

On July 28, 2017, the U.S. Department of the Treasury announced a wind down of the myRA program after concluding it was not cost effective.⁹⁸ A myRA is a Roth IRA that invests in a U.S. Treasury retirement security that is guaranteed to never lose dollar value.⁹⁹ No new enrollments will be accepted for the myRA program.

Existing accounts will remain open until further notice. Account holders can transfer their entire account balance to another Roth IRA at any time.¹⁰⁰

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⁹⁵ IRS Ann. 2017-4, 2017-16 IRB 1106.

⁹⁶ *Ibid.*

⁹⁷ DOL Field Assistance Bulletin Nos. 2017-01 and 02.

⁹⁸ *Treasury Announces Steps to Wind Down myRA Program*. Jul. 28, 2017. U.S. Dept. of the Treasury. [www.treasury.gov/press-center/press-releases/Pages/sm0135.aspx] Accessed on Aug. 3, 2017.

⁹⁹ *About myRA*. U.S. Dept. of the Treasury. [<https://myra.gov/faqs/about-myra/>] Accessed on Aug. 24, 2017.

¹⁰⁰ *Phasing out the myRA program*. U.S. Dept. of the Treasury. [<https://myra.gov/faqs/phasing-out-the-myra-program/>] Accessed on Aug. 24, 2017.

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