6/12/85

BOB DOLE
KANSAS

United States Senate
OFFICE OF THE MAJORITY LEADER
WASHINGTON, DC 20510

June 11, 1985

TO: Senator Dole

FROM: George Pieler

SUBJECT: Talk to Massachusetts Mutual Life Board of Directors

You are scheduled to talk to the Board at 8 a.m. Wednesday at the Madison Hotel. In the tax area, they are likely to have an interest in the proposals in the tax plan to tax inside buildup on life insurance, and to revise the tax treatment of 401(k) plans. Rich has prepared talking points on these issues (attached).

Also attached are current budget/tax talking points. You should be aware that one of the Board members, Don McCullough, is a big textile manufacturer and may want to press you on textile quotas. The Trade Subcommittee has scheduled a hearing for July 15 on the Thurmond bill.

According to Gordley, the bill if signed into law would run the risk of undermining the Multifibre Agreement, which gives us more flexibility in negotiating bilateral textile agreements than does GATT. With the Multifibre Agreement scheduled to expire next year, that could leave the domestic textile industry with no recourse other than GATT--which provides fewer options for responding to objectional practices by our competitors.

Attachments

Budget Deficit as Top Priority

• House and Senate conferees on the FY 1986 budget will meet for the first time today. They have a tremendous challenge: to agree on a major deficit-reduction package that will keep recovery on track, both by the magnitude of the savings and by guaranteeing that the plan will be carried out fully in the years ahead.

• Let's not forget that the deficit is our number one domestic problem. By the same token, getting the budget on a 'glide path' toward balance could be a historic breakthrough for our economy: sustaining recovery for the rest of this decade without reigniting inflation. That's why everyone should focus very, very closely on the actions of the budget conferees.

• Another reason for keeping an eye on the budget is the debate over the actual savings, and over how shifts in the economy may affect the deficit projections. Some say the deficits will be higher than we thought, even if we approved the Senate budget in its entirety. If that's so, the conferees ought to aim even higher in total savings--they have to hit the mark of a deficit at 2% of GNP in 1988, or come as close as possible. There are enough different items in both budget packages to make that possible.

• To evaluate how well the budget conferees do, watch how much the come up with in reconciled savings. Savings that aren't reconciled--mandated to the authorizing committees--may never be realized. The Senate reconciles $135 billion, the House only $37 billion. And consider how defense comes out: the House denies even an inflation increase, which we allow. But the Senate, and the House Armed Services Commitee, are working on defense authorizations that give the inflation adjustment. That tells me that the House defense number represents phoney savings--they won't be achieved, but the are plugged in the budget to avoid making real cuts in other programs.

Reagan's Tax Reform

- The President has proposed a striking and historic revision of the income tax laws. His plan would make the system both simpler and fairer.

- The present 14 brackets would be replaced by just three: 15%, 25%, and 35%. The maximum corporate rate would drop to 33% (with graduated rates for small business).

- The plan as a whole would shift the tax burden away from working people and toward businesses that have a lot of income but haven't paid their share of tax. Total taxes paid by individuals would drop 7 percent, while corporate tax payments would rise about 9 percent.

- Distributional Offset. Under the Reagan plan, families with incomes of $10,000 or less would get a 35.5% tax cut; $10,000 to $15,000, a 22.8% tax cut; $15,000 to $20,000, a 13.5% tax cut; $20,000 to $30,000, an 8.7% tax cut; $30,000 to $50,000, a 6.6% tax cut; $50,000 to $100,000, a 4.2% tax cut; $100,000 to $200,000, a 4.1% tax cut; and $200,000 or more, a 10.7% tax cut (the larger-than-average break for the top income group results from the lower top rate of 35% and the lower top capital gain tax rate of 17.5%).

- Return Free System. Under the Reagan plan, only 33% of taxpayers are expected to itemize. In addition, more than half of all taxpayers would be able to get their tax bill or refund without filing a return (if they so choose).

- Protection for Low Income. The plan would remove from the tax rolls virtually all families, married couples, single heads of households, and older Americans at or below the poverty line. This would result from the combination of increasing the personal exemption, zero bracket, earned income credit, and the new consolidated credit for the blind, elderly, and disabled.

- Indexing Protection. The plan retains the indexing protection for rate brackets, the personal exemption, and the zero bracket which we pioneered in 1981. Most plans that claim to do more for middle incomes (like Bradley-Gephardt) do not protect taxpayers against inflation and would do less for them in the long run. President Reagan also expands the indexing concept to the earned income credit, protecting the working poor, to depreciation and to capital gains (in 1991).

- Business and Growth. President Reagan proposes a system of business taxation that is more neutral and will reduce tax-motivated distortions that skew economic decisions. Repealing the ITC and revising depreciation schedules mean greater neutrality among different investment categories. Other changes that will limit economic distortions include limiting real estate tax breaks to the amount at risk, and tightening the minimum tax with regard to oil and gas tax breaks (intangible drilling costs).

- Issues to Watch. Congress will give the President's plan a very close look, and no doubt many Members will have particular changes they want to propose. In particular, there will be focus on:

  - Distribution of Tax Burden. If Treasury's estimates hold up, this is a very fair plan. Some may be concerned about the break for the top income class--but to address that would require changing the rate structure or the capital gains exclusion, both very sensitive issues.

  - Neutrality/Investment. Any perceived deviation from "neutral" tax treatment for different industries will bring demands for change from other industries. In addition, those industries most heavily subsidized by the current code--like those which benefit from the ITC because they are capital-intensive--will want to minimize the effect of the plan.

  - State and Local Taxes. Secretary Baker has said that eliminating the deduction for State and local taxes is a sort of "acid test" for serious tax reform. This is a $40 billion item over the projected phase-in period, and that amount would be difficult to make up. If high-tax States can fight off this change--even in the context of much lower tax rates and other benefits that ease the tax take on their citizens--progress may be difficult.

ESCALATING DEFICIT

The main threat to continued economic expansion is run-away Federal spending.

- o Since 1940, the Federal Government has run deficits in 37 out of the last 45 years. Since 1960, we've run deficits in 24 out of 25 years.
- o In 1985, the gross Federal debt will total $1,841 trillion, an increase of 533% over 1960, 238% over 1975, and 101% over 1980. The total debt in 1985 now stands at 48% of our GNP.
- o With no changes in Federal spending policy, CBO projects that Federal outlays will rise from $950 billion in 1985 to $1,378 trillion in 1990--an increase of $428 billion in five years.
- o If no changes are made, the budget deficit will increase from $214 billion in FY 85 to $300 billion in 1990 and the National debt will increase to $2,786.

INTEREST ON THE DEBT

This massive increase in debt has itself created one of the largest and fastest growing components of Federal spending--interest on the debt. Constant deficits have put fiscal policy on an endless treadmill of paying for the irresponsibility of previous decades:

- o In 1965, interest on the National debt cost $9 billion and consumed 1.4% of GNP. By 1980, annual interest costs rose to $52 billion--2% of GNP. But the worst was yet to come.
- o In 1985, interest on the National debt will cost taxpayers $130 billion--almost three times the level of five years ago. This represents 3.8% of GNP, 13.5% of the entire 1985 budget, and a 1,450% increase in costs over 1965.
- o $130 billion is equal to the sum total of all Federal spending from 1789--the founding of the Republic--to 1936. It also equals total Federal outlays in 1966, the entire defense budget in 1980, and twice the level of medicare funding today.
- o To put it in even simpler terms, about 40% of all revenue collected by the Federal Government from personal income taxes ($330 billion in 1985) will go to pay interest costs and no Federal services at all.

House Budget

- The House budget doesn't do enough, in a credible way, to keep the economy on an even keel and reassure financial markets.

- First of all, the House plan doesn't even aim as high as the Senate budget. It claims savings of only about $250 billion over three years, as opposed to the nearly $300 billion in the Senate plan. The House would leave the deficit nearly 20% higher in 1988 than the Senate.

- The House budget really undermines the National defense at a time when our defense posture is critical to the success of arms control talks. The Senate plan already freezes defense in 1986, allowing no real increase: there just isn't any room for further cuts without jeopardizing security. The President is absolutely adamant on this point.

- About 50% of total savings in the House budget come from defense even though defense only accounts for 28% of the Federal budget.

- THe House plan avoids major savings in entitlement programs. It also terminates only <u>one</u> program--revenue sharing--where the Senate ends 14 programs and makes significant reforms in many others. That proves the House plan doesn't bite the bullet--it doesn't do anything to ensure the long-term savings that will reassure investors and shore up business and consumer confidence.

- The House budget also is full of smoke and mirrors. $12.2 billion in savings are assumed from reducing spending for contracting out services. But most analysts view contracting out as a cost saving device. $3.7 billion is saved in "offsetting receipts" that will probably not be realized.

KEY POINTS ON SENATE BUDGET

- Through spending cuts alone, the plan would reduce the deficit by $56 billion in FY 1986, and about $295 billion through FY 1988.

- Cuts of this magnitude leave remaining deficits of $171 billion in FY 1986, $145 billion in FY 1987, and $104 billion in FY 1988.

- This plan reaches the goal we set of getting the deficit down to 2% of GNP by 1988, without tax increases.

- Every area of the budget is hit hard: the President's defense request is cut to zero in 1986, 13 programs are terminated, and permanent entitlement savings are achieved by freezing all non-means tested COLAs for one year.

- These are real, meaningful cuts and should have a significant impact on financial markets. Results from a survey of leading Wall Street financial advisers indicates that we should expect interest rates to drop by 1 or 2 percentage points in the near term and by as much as 3 points in 1988 if we follow through this package. Rates have already trended downward--the prime is down 1/2 point to 10%.

- If that happens and keeps the recovery on track, we can expect:

  - almost 7 million new jobs by 1988
  - housing starts back up to the 2 million units/year level
  - inflation staying down at 4% or less
  - national personal income up by $800 billion by 1988
  - potential increase of 18-26% in net income for small business (due to lower interest rates)
  - a potential increase of $2-4 billion in net farm income (due to lower interest rates)

Taxes

- The President and the American people have sworn off tax increases as a deficit solution, and no one in Congress seems to want to suggest otherwise. So as far as taxes are concerned, the focus will be on tax reform and ways to improve the distribution of the tax burden.

- There have been a lot of reports and analyses of inequities in the tax code, including one by Joe Pechman on who pays taxes, and one by Ralph Nader's Public Citizen group on corporate loopholes. Despite all the headlines, the bottom line conclusion is one we have known for a long time--payroll taxes and bracket creep raised the tax burden on working people, while the proliferation of tax loopholes cut taxes for the upper incomes and corporations. There, in nutshell, is the source of most of the momentum for tax reform.

- Working people have legitimate concerns in the tax debate: protection of the tax free status of fringe benefits that workers have bargained for, including health insurance--greater equity for the average taxpayer through lower rates and larger personal exemptions. Businesses and workers who don't benefit from rich fringe benefits have legitimate concerns, too, which is why we expect a long and lively debate.

- Clearly tax reform is important, because we must have a tax system that our people believe in and will support without coercion. But unless we deal with the deficit, initiatives such as tax reform will fall by the wayside--because our fiscal crisis will demand all our energy if it gets worse.

- Republicans led the effort to reduce and index tax rates, close corporate loopholes, shut off some upper-income benefits, and improve tax compliance over the past four years. Taken together these changes are the best improvements in tax policy for working people in many years. And without them, scheduled increases in the payroll tax would be pinching workers much more severely than they are.

- The latest report by the Joint Committee on Taxation shows that tax loopholes and preferences will amount to about $424 billion in 1986. Tax loopholes are on a rapid growth path--which is why people are troubled by the unfairness of a "swiss cheese" tax base.

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M E M O R A N D U M

TO: SENATOR DOLE

FROM: RICHARD BELAS

SUBJECT: MASS MUTUAL/LIFE INSURANCE TAX ISSUES

The two principal tax reform issues for Mass Mutual are inside buildup and Section 401(k) "cash or deferred" plans.

Inside Buildup

Interest paid on the cash value of a whole life policy is not taxed currently. The gain is taxed only if the policy is terminated. If an insured person dies, the interest is never taxed since the proceeds of a life insurance policy paid on account of death are not taxable.

Similarly, interest paid on a deferred annuity during the time prior to the beginning of annuity payments by the company also are not taxed currently. The interest is taken into income when the annuity contract is cashed in or, ratably, when annuity payments are made.

Treasury's first proposal was to tax all the interest paid on both new life insurance and annuity contracts and, after 1990, on existing contracts.

The President's proposal is to tax interest paid on life insurance and deferred annuity contracts sold after the date of Committee action.

The companies argue that tax-free inside buildup is necessary to make level premium life insurance policies saleable.

Under a level premium policy, the premium stays the same over the life of the policy. The company, in effect, is overcharging for insurance in the early years of the contract, and the excess (the cash value) is held at interest theoretically to subsidize premiums when the policyholder is older. However, many people cash in their policies when the cash value has risen substantially.

Of course, if the interest is made taxable currently, the level premium would have to be higher to obtain the same level of cash value. I have not been able to obtain from any company just how much higher it would have to be.

Talking Points

- Obviously, we will have to analyze the impact of the inside buildup proposal on the life insurance industry.
- It would help if you would provide more information on the price increases that are involved if the proposal is enacted, rather than just relying on rhetoric such as comparing inside buildup to appreciation on a house.
- If a product is sold as a savings vehicle, rather than insurance protection, we have to look at competition with other savings vehicles that are not tax-advantaged.
- If a product is sold for insurance protection, we should have enough information to be able to articulate how the product differs from straight savings vehicles.
- Only then can we determine what tax benefit is appropriate and when it should be applied.

401(k) Plans

401(k) plans are a special type of profit-sharing plan which allow employees to elect, at their option, to defer a portion of their compensation, up to $30,000 in certain circumstances.

In effect, 401(k) plans are like IRA's with a much larger limit. There are nondiscrimination standards to assure that not only highly compensated employees will use the plans. However, these nondiscrimination rules are very generous.

The original Treasury proposal was to repeal Section 401(k). The President's proposal would tighten the nondiscriminaton rules and would place an $8,000 annual limit on the amount an employee could defer. The proposal would also reduce the maximum amount deferred by the amount contributed to an IRA. Also, the proposal would prohibit withdrawals of elective contributions prior to an employee's death, disability, or separation from service.

Insurance companies and other members of the benefit plan community think that restrictions are too strict and complicated. Treasury has said it is willing to review the complaints about complexity, but, in general, they still like the proposed limits.

Talking Points

- o 401(k) plans are undoubtedly popular with both employers and employees. The real question is why we provide the special tax advantages.
- o If we want to encourage broad participation and savings for retirement, further limitations are appropriate.
- o However, we should be careful not to make administration of these plans overly complex.
- o Also, limits on annual deferrals are very generous under current law and may be more generous than necessary to encourage employers to maintain the plans.

Other Issues

You may be asked about your letter to Secretary Baker on the grandfather of pre-1982 Modco agreements. I believe Mass Mutual did few or no Modco deals. The letter did nothing more that reaffirm that Modco deals were grandfathered in absence of fraud. It did not try to interpret what constitutes fraud or whether an agreement, in fact, existed.