

## HOUSE TAX REFORM BILL SUMMARY

Section	Bill Proposal	Current Law	Proposed Change	Notes
Sector-wide Provisions				
Sec. 1002	Enhancement of standard deduction	The standard deduction is \$6,350 for single individuals and \$12,700 for married individuals filing jointly	Increases the standard deduction to \$24,000 for joint filers and \$12,000 for individual filers	A similar policy that increased the standard deduction to \$11,000 for individual filers and \$22,000 for married filers would decrease charitable giving by \$11 billion each year. Introducing a universal charitable deduction would recoup this loss and increase giving by almost \$6 billion (Indiana University)
Sec. 1306	Charitable Contributions	<p>A taxpayer may claim an itemized deduction for charitable contributions. The deduction is limited to a percentage of an individual's adjusted gross income and varies based on the type of gift.</p> <p>A volunteer is able to deduct 14 cents per mile in mileage on behalf of a charitable organization</p> <p>A donee organization can waive the need for a taxpayer to substantiate a gift for tax purposes if the gift is recorded on the organization's return.</p>	<p>The 50% AGI limit on cash contributions to public charities would be increased to 60% and retains the 5-year carryover. Taxpayers also cannot deduct any percentage of a purchase of college athletic tickets</p> <p>The amount deductible for volunteer mileage would be adjusted for inflation.</p> <p>Donee returns no longer can be used by a donor to substantiate a gift for federal tax purposes</p>	<p>Increasing AGI limits will incentivize high-income donors to give more to charity. Research is required to understand the exact amount of additional giving this provision could generate or the extent to which it may offset losses created by other provisions in tax reform.</p> <p>Adjusting volunteer mileage deductions to inflation helps ensure that future legislation is not needed in order to update the value of the deduction.</p>

<p>Sec. 5201</p>	<p>Churches are permitted to make statements relating political campaign in ordinary course of religious services and activities</p>	<p>Tax-exempt 501(c)(3) organizations are prohibited from endorsing or opposing a candidate for public office – a policy known as the Johnson Amendment.</p>	<p>Religious organizations will be allowed to endorse or oppose political candidates, as long as it is in the normal course of action and spends a “de minimus” amount of charitable funds.</p>	<p>This provision opens religious charities up to additional scrutiny by the IRS using ambiguous rules as well as risk of becoming an instrument of electoral politics.</p> <p>Any proposals to weaken the Johnson Amendment threatens the public’s trust in the sector, the charitable deduction, and donor privacy. The provision also sows confusion across all charities on how to comply with political activity rules, which would discourage their participation in the public policy process.</p>
<p>Sec. 1601-1602</p>	<p>Increase in credit against estate, gift, and generation skipping transfer tax; Repeal of estate and generation skipping transfer tax</p>	<p>Property in an estate is subject to a tax before it passes to beneficiaries. The first \$5 million worth of transferred property is exempt from estate, gift, and generation-skipping taxes.</p>	<p>The threshold for triggering an estate, gift, or generation-skipping tax will be raised to \$10 million beginning in 2017.</p> <p>After 2023, the estate and generation-skipping taxes will be repealed while maintaining the beneficiary’s stepped up basis in estate property.</p>	<p>Research shows that the estate tax encourages charitable bequests and investments in the sector.</p> <p>In 2010, when the estate tax was temporarily repealed, gross charitable bequests in IRS tax filings totaled \$7.5 billion – a 37 percent drop from \$11.9 billion the prior year. The tax returned in 2011 and charitable bequests increased by 92 percent, totaling \$14.4 billion.</p>
<p>Sec. 3803</p>	<p>Excise tax on excess tax-exempt organization executive compensation</p>	<p>C corporations are not able to deduct executive compensation over \$1 million for the top 5 employees. A similar type of limitation does not apply to tax-exempt entities.</p>	<p>Tax-exempt organizations would be subject to a 20 percent excise tax for executive compensation (cash and benefits, except retirement and health) in excess of \$1 million for the top 5 employees</p>	<p>This provision limits the ability of communities and volunteer boards to decide how to invest in local solutions. It also may impact charities’ ability to attract and retain talent and skills necessary to tackle society’s most difficult problems.</p>

Sec. 1301	Repeal of overall limitation on itemized deductions	Certain upper income taxpayers are limited in the total amount of itemized deductions they are able to claim (known as the “Pease limitation”)	Overall limitation on itemized deductions would be repealed.	Removing the Pease limitation may incentivize high-income taxpayers to increase their charitable giving. Research is required to understand the exact amount of additional giving this provision could generate or the extent to which it may offset losses created other provisions in tax reform.
Sec. 1302 and 1303	Mortgage interest and Repeal of Deduction for Expenses Not Paid or Accrued by Business	Taxpayers currently are able to deduct on their federal return home mortgage interest and state and local income and property taxes. Taxpayers also can choose to deduct state and local sales tax instead of income tax.	Applies new limitations on the amount of home mortgage interest taxpayers can deduct (lower acquisition indebtedness, limit to principle residence, etc.)  Taxpayers cannot deduct state and local income or sales taxes, unless they’re related to a trade, business or producing income. Taxpayers would continue to be able to deduct property taxes up to \$10,000.	These changes may cause major shifts in the number of taxpayers that choose to file itemized returns. If the provisions lower the number of people choosing to file itemized returns, there also will be fewer taxpayers incentivized through the tax code to give more to charity.
Sec. 5002	Exclusion of research income limited to publicly available research	Research is exempt from UBIT if: 1) performed for U.S./state government; 2) performed by college, university or hospital; and 3) performed by a research organization with results available to the public	Only fundamental research with publicly available findings remains exempt from UBIT	Additional information is needed to understand how this provision may impact mission-related research for the charitable community.  In particular, charities may want to consider how this provision may impact financing of health research and research that could help governments and charities make evidence-based or data-driven decisions

Sec. 5101	Simplification of excise tax on private investment income	Private foundations are subject to an excise tax rate (either 2 percent or 1 percent) on net investment income that is determined by the organizations' prior distributions.	Private foundations would be subject to a flat excise tax rate of 1.4 percent.	This provision streamlines the rules governing private foundations excise tax
Sec. 5103	Excise tax based on investment income of private colleges and universities	Private foundations must pay an excise tax on net investment income. This requirement does not apply to public charities, including colleges and universities	Colleges and universities meeting certain student and asset criteria will be required to pay an excise tax of 1.4 percent on net investment income	There are questions whether this policy establishes a precedent that will enable policymakers to dictate how all charitable organizations distribute and expend their endowments
Sec. 5001	Clarification of UBIT treatment of entities exempt from taxation under 501(a)	It is unclear if entities under both section 115(1) and 501(a) are subject to UBIT rules	All entities under 501(a) would be subject to UBIT	The provision clarifies (and possibly expands) the entities required to comply with UBIT rules
Sec. 5104	Private foundation excess business holding tax for philanthropic business holdings	A private foundation may not own more than a 20 percent interest in a nonprofit. If it violates this rule, the foundation is subject to a 200 percent excise tax	Private foundations will be exempt from this provision if: 1) the foundation owns all for-profit voting stock; 2) the interest was not acquired through purchase; 3) the for-profit distributes all profits to the foundation in 120 days; 4) for-profit executives are not substantial contributors to the foundation.	This is a relatively narrow provision designed to allow for-profit businesses or subsidiaries that distribute all profits to charity to be owned by a foundation that meets certain criteria.  Policymakers have attempted to protect the original purpose of current law, which is to ensure charities will not be misused by corporations to circumvent tax law.

Sec. 5102	Private operating foundation requirements related to operation of art museum	Private operating foundations may use tax-free donations to fund their work and are exempt from a 30 percent excise tax on undistributed earnings	Art museums must be open to the public at least 1,000 hours per year to qualify for private operating foundation status and benefits	
Sec. 5202	Additional reporting requirements for donor advised fund sponsoring organizations	The public charities that manage donor advised funds are not required to distribute the funds on any particular timeframe.	Charities that sponsor donor advised funds would be required to annually disclose their policies to address inactive DAFs and the average amount of grants made from their DAFs.	This policy is less burdensome on DAF sponsoring organizations than past proposals.

Issue-specific provisions

Sec. 1101	Enhancement of child tax credit and new family tax credit	<p>Taxpayers can claim \$1,000 credit per child, but the aggregate amount is phased out as AGI increases. The child tax credit is refundable equal to 15% of earned income over \$3,000.</p> <p>Filers do not have to provide a SSN to claim the refundable credit</p>	<p>Child tax credit would increase to \$1,600 and a new \$300 credit for non-child dependents would be added. A \$300 family flexibility credit is available for each individual that isn't a child or dependent.</p> <p>The credits will be phased out based on income thresholds and eliminate the marriage penalty in current law.</p> <p>Filers must provide a SSN to claim the refundable portion of the credit</p>	
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Sec. 1103	Refundable credit program integrity	Refundable tax credits require taxpayers to file different types of authenticating information	Taxpayers must file a “work-eligible SSN” for the refundable portion of the child tax credit and American Opportunity Tax Credit. A similar requirement would apply to the EITC.	
Sec. 1308	Repeal of medical expense deduction	Taxpayer can claim an itemized deduction for out-of-pocket medical expenses	Repeal the itemized deduction for medical expenses	
Sec. 3311	Certain self-created property not treated as capital asset	Current law provides parameters around the tax treatment of creative products, like music	The bill changes tax treatment of creative products and property.	This provision is relevant to members of the arts and culture community
Sec. 3406	Termination of new markets tax credits	New Market Tax Credits incentivize businesses and real estate investment in low-income communities.	No new tax credits will be issued after 2017	The idea for a New Market Tax Credit originated with foundations and think tanks seeking to use market-driven solutions to help disadvantaged communities.
Sec. 3407	Repeal of credit for expenditures to provide access to disabled individuals	Small-businesses can claim a tax credit for expenditures incurred when providing access to disabled individuals	The tax credit would be repealed	