



## Higher Education Tax Legislation in the 116<sup>th</sup> Congress<sup>1</sup>

### ***Unrelated Business Income Tax (UBIT) and Net Investment Income Tax***

[H.R. 4438](#): Don't Tax Higher Education Act. Introduced by Reps. Brendan Boyle (D-PA) and Bradley Byrne (R-AL) and proposes repealing the Tax Cuts and Jobs Act of 2017 (TCJA) excise tax on the net investment income of certain private colleges and universities.

[H.R. 3300](#): The Economic Mobility Act. Introduced by Rep. Rich Neal (D-MA) and proposes repealing the TCJA UBIT Tax on employer provided parking and transportation benefits, among other tax provisions.

[S. 1282](#): The Preserve Charities and Houses of Worship Act. Introduced by Sens. Ted Cruz (R-TX) and Jeanne Shaheen (D-NH) and proposes repealing both the TCJA UBIT Tax on employer provided parking and transportation benefits and the TCJA requirement that organizations with more than one source of UBIT income compute their tax liability separately for each trade or business.

[H.R. 1223/S. 501](#): Stop the Tax Hike on Charities and Places of Worship Act. Introduced by Majority Whip James Clyburn (D-SC) in the House of Representatives and by Sen. Sherrod Brown (D-OH) in the Senate and proposes repealing the TCJA UBIT Tax on employer provided parking and transportation benefits. The House bill proposes to offset the cost of eliminating the tax by raising the corporate tax rate by 0.03%, the Senate version proposes to offset the cost of eliminating the tax by raising the corporate tax rate by 1%.

[H.R. 1545/S. 632](#): The Lessening Impediments from Taxes for Charities (LIFT) Act. Introduced by Rep. Mark Walker (R-NC) in the House of Representatives and Sens. James Lankford (R-OK) and Chris Coons (D-DE) in the Senate and proposes repealing the TCJA UBIT Tax on employer provided parking and transportation benefits. This legislation was also introduced in the 115<sup>th</sup> Congress.

[H.R. 513](#): Nonprofits Support Act. Introduced by Rep. Mike Conaway (R-TX) and proposes repealing both the TCJA UBIT Tax on employer provided parking and transportation benefits and the TCJA requirement that organizations with more than one source of UBIT income compute their tax liability separately for each trade or business.

[H.R. 3323](#): Nonprofit Relief Act of 2019. Introduced by Majority Whip Jim Clyburn (D-SC) and Rep. Carolyn Maloney (D-NY) and would, among other provisions, repeal the TCJA requirement that organizations with more than one source of UBIT income compute their tax liability separately for each trade or business.

### ***Employer Provided Tuition Benefits and Student Facing Tax Credits***

[H.R. 4849](#): Upward Mobility Enhancement Act. Introduced by Reps. Jason Smith (R-MO) and Danny Davis (D-IL) and would increase the allowable non-taxable employer-provided tuition assistance benefit under Sec. 127 from \$5,250 to \$11,500.

<sup>1</sup> This list is comprised primarily of tax legislation and is not inclusive of all higher education-related legislation NACUBO is monitoring and will be updated as new legislation is introduced.



[H.R. 4518/S. 2553](#): ED ACCESS Act of 2019. Introduced by Reps. Danny Davis (D-IL) and Dave Schweikert (R-AZ) in the House of Representatives and Sens. Chris Van Hollen (D-MD) and Rob Portman (R-OH) in the Senate and proposes striking the provision of the American Opportunity Tax Credit that denies the credit to students with felony drug convictions.

[H.R. 1043/S. 460](#): Employer Participation in Repayment Act of 2019. Introduced by Congressmen Scott Peters (D-CA) and Rodney Davis (R-IL) in the House of Representatives and Sen. Mark Warner (D-VA) in the Senate and proposes expanding Section 127 to include employer provided assistance with student loan repayment. This legislation was also introduced in the 115<sup>th</sup> Congress.

[S. 1428](#): Retirement Parity for Student Loans Act. Introduced by Sens. Wyden (D-OR), Cantwell (D-WA), Cardin (D-MD), Whitehouse (D-RI), Hassan (D-NH), and Brown (D-OH) and would create an opportunity for employers to provide retirement matching funds for employees based on what they pay each month toward their student loans, rather than what they contribute to retirement.

#### ***Charitable Giving***

[H.R. 651](#): The Charitable Giving Tax Deduction Act. Introduced by Congressmen Chris Smith (R-NJ) and Henry Cuellar (D-TX) and proposes creating an uncapped above-the-line charitable deduction for all taxpayers, regardless of whether they choose to itemize their tax returns. This legislation was also introduced in the 115<sup>th</sup> Congress.

[H.R. 1260](#). Introduced by Congressman Danny Davis (D-IL) and proposes creating an uncapped above-the-line charitable deduction for all taxpayers, regardless of whether they choose to itemize their tax returns.

#### ***TCJA Changes to Low-Income Student Scholarships and Other Payments***

[H.R. 1994](#): The SECURE Act of 2019. Introduced by Rep. Rich Neal (D-MA) and proposes repealing the earned income change in the TCJA that created higher tax payments for many low-income scholarship recipients, Gold Star families, tribal payment recipients, and other groups, among other provisions.

[S. 1667](#): The Tax Relief for Student Success Act. Introduced by Sen. Tim Scott (R-SC) and proposes repealing the earned income change in the TCJA that created higher tax payments for many low-income scholarship recipients.