

A View of the Sector

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**THE ACT FORMERLY KNOWN
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ACT**

Key TEO Provisions

- A number of changes that impact charitable giving
- Changes to the calculation of unrelated business taxable income (UBTI)
 - UBTI is increased by the amount of certain fringe benefits
 - Net operating loss deduction can only be taken with respect to the applicable trade or business generating UBTI
- New excise tax on certain compensation paid to highly compensated employees
- New tax on certain college and university endowments

Charitable Giving

- Increases the standard deduction to \$24,000 for joint filers (and surviving spouses), \$18,000 for head-of-household filers, and \$12,000 for individual filers.
 - Amounts adjusted for inflation based on chained consumer price index (C-CPI-U).
- Retains the charitable contribution deduction for taxpayers able to claim itemized deductions.
- Increases the limitation for cash contributions (but not stock) to public charities (and certain private foundations) to 60% of the donor's adjusted gross income (computed without net operating losses) for taxable years beginning after December 31, 2017 and before January 1, 2026.
- Eliminates charitable deduction for donations to educational institutions that entitle the donor to the right to purchase tickets for athletic events (section 170(l)), regardless of the value of the seating rights or the amount of the contribution.

Charitable Giving (cont'd)

- Repeals the “Pease” limitation, which sets an overall limit or “haircut” on itemized deductions including charitable contribution deductions for taxable years beginning after December 31, 2017 and before January 1, 2026.
- Doubles the amount eligible for exclusion from estate, gift, and generation-skipping taxes to \$10 million, indexed for inflation occurring after 2011. The change applies to taxable years beginning after December 31, 2017 and before January 1, 2026.

Unrelated Business Income Tax: Fringe Benefits

- New Section 512(a)(7) increases unrelated business taxable income (UBTI) by the amount of certain fringe benefits for which a deduction would be denied under Section 274 if the employer were taxable.
 - The purpose of the rule is to achieve parity between taxable and tax exempt employers.
 - The specific items listed in Section 512(a)(7) include: qualified transportation fringe benefits, any parking facility used in connection with qualified parking, and on-premises athletic facilities to the extent a deduction is disallowed.
 - Section 274, however, does not deny a deduction for the use of on-premises athletic facilities due to a last minute switch between the House and Senate versions of the rule.
 - Doesn't apply to the extent that the amount is directly connected with a regularly carried-on unrelated trade or business.

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