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December 7, 2017

Senator Orrin Hatch
Representative Kevin Brady
House-Senate Conference Committee
on the Tax Cuts & Jobs Act of 2017
United States Congress
Washington, DC

Dear Chairman Hatch and Chairman Brady,

We write to you on behalf of the Union of Orthodox Jewish Congregations of America – the nation’s largest Orthodox Jewish umbrella organization – with regard to several key provisions and issues your committee will consider as you reconcile the House and Senate versions of the Tax Cuts & Jobs Act.

1. Support Parents’ Choices in Guiding Their Children’s Education

Among the foremost challenges faced by America’s middle class parents is providing their children with the education they deem best for those children. For many families, the best choice is a non-public school; in our community, the best choice is a parochial school.

We are **deeply disappointed that Senator Hatch’s proposal**, which we strongly advocated for, to make a portion of qualifying religious school tuition deductible as a charitable contribution under IRC 170 **was stricken from the Senate bill** at the last hour due to an objection by the Parliamentarian (see Sec. 11033 of the Senate Manager’s Amendment). We hope we will have the opportunity to enact this policy in future tax legislation.

However, **we appreciate** that both the House and Senate versions of the legislation include **the expansion of 529 Education Savings Plans to be available for K-12** tuition and other expenses – including for non-public school expenses. We encourage you to adopt the Senate version of this provision and to **modify it** in Conference **to be even more supportive of parental choices** in ways that will incentivize and support middle class parents in doing what we wish them to – saving for their children’s education.

2. Support Teachers in Non-Public Schools; Preserve Qualified Tuition Reductions

The House bill contains provisions that would eliminate the tax exempt treatment of

qualified tuition reductions provided by educational institutions to their employees whose children attend the school where the parent works. While some of the media coverage about the potential elimination of this provision has been focused upon its impact upon the college and university context, we must underscore **the elimination of QTR benefits will also have a significant negative impact upon nonpublic K-12 schools.** Many K-12 schools in our community (and others) are only able to attract quality teachers by providing discounts on tuition for their children. We are certain you do not wish to harm the nonpublic K-12 sector so **we ask that the House recede to the Senate on this matter and the Conference Report not include the elimination of Qualified Tuition Reductions.**

3. Support Charitable Giving By Including an “Above the Line” Deduction for Contributions

Like our fellow organizations across the charitable sector, we appreciate that the House and Senate versions of the legislation preserve the tax deduction for charitable contributions. However, we share the concern that the doubling of the standard deduction will have a negative impact on charitable giving by reducing the number of itemizers. We therefore **request that the Conference Report include a Universal Charitable Giving** provision along the lines of the amendment filed in the Senate by Senator Lankford.

4. Protect America’s Houses of Worship from Political Pressure; Do Not Repeal the “Johnson Amendment”

As you know, the “Johnson Amendment,” inserted into the Internal Revenue Code in 1954, restricts nonprofit entities from officially endorsing or opposing candidates for political office. The House version of the bill would repeal this provision while the Senate bill is silent on it.

The rabbis and lay leaders of our community believe the Johnson Amendment appropriately protects the integrity of our congregations and insulates clergy and congregations from inappropriate political pressure and divisiveness. We therefore **request that the House recede to the Senate and the Conference Report not repeal the “Johnson Amendment.”**

Thank you for your consideration of our views. We wish you success in your deliberations.

Sincerely,

Jerry Wolasky

Chairman

Nathan J. Diamant

Executive Director