

Congress of the United States

Washington, DC 20515

June 3, 2022

Honorable Janet Yellen
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue N.W.
Washington, D.C. 20220

Honorable Charles Rettig
Commissioner
Internal Revenue Service
1111 Constitution Avenue N.W.
Washington, D.C. 20220

Dear Secretary Yellen and Commissioner Rettig:

As Americans struggle with rising costs and sustained economic turmoil caused by the COVID-19 pandemic, we encourage you to take immediate action to support nonprofit charities. Charities depend on donations to sustain their activities that often benefit the most vulnerable members of our communities. The 2017 Tax Hike Bill (P.L.115-97) inadvertently reduced the incentive to make charitable donations by capping the State and Local Tax (SALT) deduction and by reducing the number of taxpayers that itemize their tax filings. In the wake of the unfair SALT cap, many states sought to provide relief to their taxpayers by allowing them to make charitable donations to alleviate the new tax burden placed on them by Washington. In response to these state initiatives, the IRS issued a rule, the “Contributions in Exchange for State or Local Tax Credits” (RIN: 1545-BO89), which had the perverse effect of further limiting the incentive to make charitable donations.

We ask you to support state-led efforts to increase charitable giving by repealing the Internal Revenue Service’s rule, published in the Federal Register as a final regulation on June 13, 2019.¹ Thirty-three states offer tax credits that encourage charitable giving to certain causes, and this rule unnecessarily restricts the ability of states to incentivize charitable donations to nonprofits. More than one hundred state charitable tax credits exist, supporting services such as foster care in Arizona, the construction of playgrounds in Louisiana, and the development of affordable housing in Illinois.² If Congress had intended to eliminate tax benefits for donors to these long-standing programs, language to do so would have been included in P.L.115-97. For this reason, we urge you to act swiftly to roll back this disastrous rule.

Congress and the Administration must work together to improve our tax code and cut taxes for hard-working Americans. As we recover from the pandemic, we should encourage charitable giving as much as possible to help those in need. Thank you for considering our request. We

¹ 84 Fed. Reg. 27513

² Bankman, Joseph and Gamage, David and Goldin, Jacob and Hemel, Daniel Jacob and Shanske, Darien and Stark, Kirk J. and Ventry, Dennis J. and Viswanathan, Manoj. “Federal Income Tax Treatment of Charitable Contributions Entitling Donor to a State Tax Credit.” UCLA School of Law, Law-Econ Research Paper No. 18-02; UC Hastings Research Paper No. 264.

look forward to your responses on this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Josh Gottheimer".

Josh Gottheimer
MEMBER OF CONGRESS

A handwritten signature in blue ink, appearing to read "Thomas R. Suozzi".

Tom Suozzi
MEMBER OF CONGRESS

A handwritten signature in blue ink, appearing to read "Mikie Sherrill".

Mikie Sherrill
MEMBER OF CONGRESS