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114TH CONGRESS
1ST SESSION

H. R. 644

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2015

Received

APRIL 16, 2015

Read the first time

APRIL 20, 2015

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AN ACT

To amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “America Gives More
5 Act of 2015”.

1 **SEC. 2. EXTENSION AND EXPANSION OF CHARITABLE DE-**
2 **DUCTION FOR CONTRIBUTIONS OF FOOD IN-**
3 **VENTORY.**

4 (a) **PERMANENT EXTENSION.**—Section 170(e)(3)(C)
5 of the Internal Revenue Code of 1986 is amended by strik-
6 ing clause (iv).

7 (b) **INCREASE IN LIMITATION.**—Section 170(e)(3)(C)
8 of such Code, as amended by subsection (a), is amended
9 by striking clause (ii), by redesignating clause (iii) as
10 clause (iv), and by inserting after clause (i) the following
11 new clauses:

12 “(ii) **LIMITATION.**—The aggregate
13 amount of such contributions for any tax-
14 able year which may be taken into account
15 under this section shall not exceed—

16 “(I) in the case of any taxpayer
17 other than a C corporation, 15 per-
18 cent of the taxpayer’s aggregate net
19 income for such taxable year from all
20 trades or businesses from which such
21 contributions were made for such
22 year, computed without regard to this
23 section, and

24 “(II) in the case of a C corpora-
25 tion, 15 percent of taxable income (as
26 defined in subsection (b)(2)(D)).

1 “(iii) RULES RELATED TO LIMITA-
2 TION.—

3 “(I) CARRYOVER.—If such aggre-
4 gate amount exceeds the limitation
5 imposed under clause (ii), such excess
6 shall be treated (in a manner con-
7 sistent with the rules of subsection
8 (d)) as a charitable contribution de-
9 scribed in clause (i) in each of the 5
10 succeeding taxable years in order of
11 time.

12 “(II) COORDINATION WITH OVER-
13 ALL CORPORATE LIMITATION.—In the
14 case of any charitable contribution al-
15 lowable under clause (ii)(II), sub-
16 section (b)(2)(A) shall not apply to
17 such contribution, but the limitation
18 imposed by such subsection shall be
19 reduced (but not below zero) by the
20 aggregate amount of such contribu-
21 tions. For purposes of subsection
22 (b)(2)(B), such contributions shall be
23 treated as allowable under subsection
24 (b)(2)(A).”.

1 (c) DETERMINATION OF BASIS FOR CERTAIN TAX-
 2 PAYERS.—Section 170(e)(3)(C) of such Code, as amended
 3 by subsections (a) and (b), is amended by adding at the
 4 end the following new clause:

5 “(v) DETERMINATION OF BASIS FOR
 6 CERTAIN TAXPAYERS.—If a taxpayer—

7 “(I) does not account for inven-
 8 tories under section 471, and

9 “(II) is not required to capitalize
 10 indirect costs under section 263A,
 11 the taxpayer may elect, solely for purposes
 12 of subparagraph (B), to treat the basis of
 13 any apparently wholesome food as being
 14 equal to 25 percent of the fair market
 15 value of such food.”.

16 (d) DETERMINATION OF FAIR MARKET VALUE.—
 17 Section 170(e)(3)(C) of such Code, as amended by sub-
 18 sections (a), (b), and (c), is amended by adding at the
 19 end the following new clause:

20 “(vi) DETERMINATION OF FAIR MAR-
 21 KET VALUE.—In the case of any such con-
 22 tribution of apparently wholesome food
 23 which cannot or will not be sold solely by
 24 reason of internal standards of the tax-
 25 payer, lack of market, or similar cir-

1 cumstances, or by reason of being pro-
2 duced by the taxpayer exclusively for the
3 purposes of transferring the food to an or-
4 ganization described in subparagraph (A),
5 the fair market value of such contribution
6 shall be determined—

7 “(I) without regard to such inter-
8 nal standards, such lack of market,
9 such circumstances, or such exclusive
10 purpose, and

11 “(II) by taking into account the
12 price at which the same or substan-
13 tially the same food items (as to both
14 type and quality) are sold by the tax-
15 payer at the time of the contribution
16 (or, if not so sold at such time, in the
17 recent past).”.

18 (e) EFFECTIVE DATE.—

19 (1) IN GENERAL.—Except as otherwise pro-
20 vided in this subsection, the amendments made by
21 this section shall apply to contributions made after
22 the date of the enactment of this Act, in taxable
23 years ending after such date.

24 (2) LIMITATION; APPLICABILITY TO C CORPORA-
25 TIONS.—The amendments made by subsection (b)

1 shall apply to contributions made in taxable years
2 ending after the date of the enactment of this Act.

3 **SEC. 3. RULE ALLOWING CERTAIN TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES MADE PERMANENT.**

4
5
6
7 (a) IN GENERAL.—Section 408(d)(8) of the Internal
8 Revenue Code of 1986 is amended by striking subpara-
9 graph (F).

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall apply to distributions made in taxable
12 years beginning after December 31, 2014.

13 **SEC. 4. SPECIAL RULE FOR QUALIFIED CONSERVATION CONTRIBUTIONS MADE PERMANENT.**

14
15 (a) IN GENERAL.—

16 (1) INDIVIDUALS.—Subparagraph (E) of sec-
17 tion 170(b)(1) of the Internal Revenue Code of 1986
18 (relating to contributions of qualified conservation
19 contributions) is amended by striking clause (vi).

20 (2) CORPORATIONS.—Subparagraph (B) of sec-
21 tion 170(b)(2) of such Code (relating to qualified
22 conservation contributions) is amended by striking
23 clause (iii).

1 (b) CONTRIBUTIONS OF CAPITAL GAIN REAL PROP-
2 ERTY MADE FOR CONSERVATION PURPOSES BY NATIVE
3 CORPORATIONS.—

4 (1) IN GENERAL.—Section 170(b)(2) of such
5 Code is amended by redesignating subparagraph (C)
6 as subparagraph (D), and by inserting after sub-
7 paragraph (B) the following new subparagraph:

8 “(C) QUALIFIED CONSERVATION CON-
9 TRIBUTIONS BY CERTAIN NATIVE CORPORA-
10 TIONS.—

11 “(i) IN GENERAL.—Any qualified con-
12 servation contribution (as defined in sub-
13 section (h)(1)) which—

14 “(I) is made by a Native Cor-
15 poration, and

16 “(II) is a contribution of prop-
17 erty which was land conveyed under
18 the Alaska Native Claims Settlement
19 Act,

20 shall be allowed to the extent that the ag-
21 gregate amount of such contributions does
22 not exceed the excess of the taxpayer’s tax-
23 able income over the amount of charitable
24 contributions allowable under subpara-
25 graph (A).

1 “(ii) CARRYOVER.—If the aggregate
2 amount of contributions described in clause
3 (i) exceeds the limitation of clause (i), such
4 excess shall be treated (in a manner con-
5 sistent with the rules of subsection (d)(2))
6 as a charitable contribution to which clause
7 (i) applies in each of the 15 succeeding
8 taxable years in order of time.

9 “(iii) NATIVE CORPORATION.—For
10 purposes of this subparagraph, the term
11 ‘Native Corporation’ has the meaning
12 given such term by section 3(m) of the
13 Alaska Native Claims Settlement Act.”.

14 (2) CONFORMING AMENDMENTS.—

15 (A) Section 170(b)(2)(A) of such Code is
16 amended by striking “subparagraph (B) ap-
17 plies” and inserting “subparagraph (B) or (C)
18 applies”.

19 (B) Section 170(b)(2)(B)(ii) of such Code
20 is amended by striking “15 succeeding years”
21 and inserting “15 succeeding taxable years”.

22 (3) VALID EXISTING RIGHTS PRESERVED.—

23 Nothing in this subsection (or any amendment made
24 by this subsection) shall be construed to modify the
25 existing property rights validly conveyed to Native

1 Corporations (within the meaning of section 3(m) of
2 the Alaska Native Claims Settlement Act) under
3 such Act.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to contributions made in taxable
6 years beginning after December 31, 2014.

7 **SEC. 5. MODIFICATION OF THE TAX RATE FOR THE EXCISE**
8 **TAX ON INVESTMENT INCOME OF PRIVATE**
9 **FOUNDATIONS.**

10 (a) IN GENERAL.—Section 4940(a) of the Internal
11 Revenue Code of 1986 is amended by striking “2 percent”
12 and inserting “1 percent”.

13 (b) ELIMINATION OF REDUCED TAX WHERE FOUN-
14 DATION MEETS CERTAIN DISTRIBUTION REQUIRE-
15 MENTS.—Section 4940 of such Code is amended by strik-
16 ing subsection (e).

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years beginning after
19 the date of the enactment of this Act.

1 **SEC. 6. BUDGETARY EFFECTS.**

2 The budgetary effects of this Act shall not be entered
3 on either PAYGO scorecard maintained pursuant to sec-
4 tion 4(d) of the Statutory Pay-As-You-Go Act of 2010.

 Passed the House of Representatives February 12,
2015.

Attest:

KAREN L. HAAS,

Clerk.

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