

114TH CONGRESS
1ST SESSION

H. R. 644

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2015

Received

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “America Gives More
3 Act of 2015”.

4 **SEC. 2. EXTENSION AND EXPANSION OF CHARITABLE DE-**
5 **DUCTION FOR CONTRIBUTIONS OF FOOD IN-**
6 **VENTORY.**

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

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

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

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

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

4 “(iii) RULES RELATED TO LIMITA-
5 TION.—

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

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

1 treated as allowable under subsection
2 (b)(2)(A).”.

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

7 “(v) DETERMINATION OF BASIS FOR
8 CERTAIN TAXPAYERS.—If a taxpayer—
9 “(I) does not account for inven-
10 tories under section 471, and
11 “(II) is not required to capitalize
12 indirect costs under section 263A,
13 the taxpayer may elect, solely for purposes
14 of subparagraph (B), to treat the basis of
15 any apparently wholesome food as being
16 equal to 25 percent of the fair market
17 value of such food.”.

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

22 “(vi) DETERMINATION OF FAIR MAR-
23 KET VALUE.—In the case of any such con-
24 tribution of apparently wholesome food
25 which cannot or will not be sold solely by

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

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

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

20 (e) EFFECTIVE DATE.—

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

1 (2) LIMITATION; APPLICABILITY TO C CORPORA-
2 TIONS.—The amendments made by subsection (b)
3 shall apply to contributions made in taxable years
4 ending after the date of the enactment of this Act.

5 **SEC. 3. RULE ALLOWING CERTAIN TAX-FREE DISTRIBUTU-**
6 **CTIONS FROM INDIVIDUAL RETIREMENT AC-**
7 **COUNTS FOR CHARITABLE PURPOSES MADE**
8 **PERMANENT.**

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

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

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

17 (a) IN GENERAL.—

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

22 (2) CORPORATIONS.—Subparagraph (B) of sec-
23 tion 170(b)(2) of such Code (relating to qualified
24 conservation contributions) is amended by striking
25 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.