

117TH CONGRESS
1ST SESSION

H. R. 1081

To amend the Internal Revenue Code of 1986 to allow the deduction for charitable contributions as an above-the-line deduction.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2021

Mr. SMITH of New Jersey (for himself and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to allow the deduction for charitable contributions as an above-the-line deduction.

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 “Charitable Giving Tax
5 Deduction Act”.

1 **SEC. 2. DEDUCTION FOR CHARITABLE CONTRIBUTIONS AL-**
2 **LOWED IN DETERMINING ADJUSTED GROSS**
3 **INCOME.**

4 (a) **IN GENERAL.**—Section 62(a) of the Internal Rev-
5 enue Code of 1986 is amended by inserting after para-
6 graph (7) the following new paragraph:

7 “(8) **CHARITABLE CONTRIBUTIONS.**—The de-
8 duction allowed under section 170.”.

9 (b) **CONFORMING AMENDMENT.**—Section
10 170(b)(1)(H) of such Code is amended by striking “(com-
11 puted without regard to any net operating loss carryback
12 to the taxable year under section 172).” and inserting the
13 following: “computed without regard to—

14 “(i) section 62(a)(8), and

15 “(ii) any net operating loss carryback
16 to the taxable year under section 172.”.

17 (c) **REPEAL OF SUPERSEDED PROVISIONS.**—Section
18 212 of the Taxpayer Certainty and Disaster Tax Relief
19 Act of 2020 (other than subsection (c) thereof) is repealed
20 and each provision of law amended by such section (other
21 than such subsection) is amended to read as such provi-
22 sion would read if such section had never been enacted.

23 (d) **EFFECTIVE DATE.**—The amendment made by
24 this section shall apply to taxable years beginning after
25 December 31, 2020.