

114TH CONGRESS  
1ST SESSION

# H. R. 644

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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,*

**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

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:

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:

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—

20 (e) EFFECTIVE DATE.—

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

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 PRO-  
2       PERTY 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:

*Clerk.*



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