

115TH CONGRESS  
2D SESSION

# H. R. 5771

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

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IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2018

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

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## 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: “determined 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) **EFFECTIVE DATE.**—The amendment made by  
18 this section shall apply to taxable years beginning after  
19 December 31, 2017.

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