

FEBRUARY 6, 2015

RULES COMMITTEE PRINT 114-5
TEXT OF H.R. 644, FIGHTING HUNGER INCENTIVE
ACT OF 2015

[Showing the texts of H.R. 644, H.R. 637, H.R. 641, and H.R.
640 as ordered reported by the Committee on Ways and
Means with conforming changes.]

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-

1 able year which may be taken into account
2 under this section shall not exceed—

3 “(I) in the case of any taxpayer
4 other than a C corporation, 15 per-
5 cent of the taxpayer’s aggregate net
6 income for such taxable year from all
7 trades or businesses from which such
8 contributions were made for such
9 year, computed without regard to this
10 section, and

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

14 “(iii) RULES RELATED TO LIMITA-
15 TION.—

16 “(I) CARRYOVER.—If such aggre-
17 gate amount exceeds the limitation
18 imposed under clause (ii), such excess
19 shall be treated (in a manner con-
20 sistent with the rules of subsection
21 (d)) as a charitable contribution de-
22 scribed in clause (i) in each of the 5
23 succeeding taxable years in order of
24 time.

1 “(II) COORDINATION WITH OVER-
2 ALL CORPORATE LIMITATION.—In the
3 case of any charitable contribution al-
4 lowable under clause (ii)(II), sub-
5 section (b)(2)(A) shall not apply to
6 such contribution, but the limitation
7 imposed by such subsection shall be
8 reduced (but not below zero) by the
9 aggregate amount of such contribu-
10 tions. For purposes of subsection
11 (b)(2)(B), such contributions shall be
12 treated as allowable under subsection
13 (b)(2)(A).”.

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

18 “(v) DETERMINATION OF BASIS FOR
19 CERTAIN TAXPAYERS.—If a taxpayer—
20 “(I) does not account for inven-
21 tories under section 471, and
22 “(II) is not required to capitalize
23 indirect costs under section 263A,
24 the taxpayer may elect, solely for purposes
25 of subparagraph (B), to treat the basis of

1 any apparently wholesome food as being
2 equal to 25 percent of the fair market
3 value of such food.”.

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

8 “(vi) DETERMINATION OF FAIR MAR-
9 KET VALUE.—In the case of any such con-
10 tribution of apparently wholesome food
11 which cannot or will not be sold solely by
12 reason of internal standards of the tax-
13 payer, lack of market, or similar cir-
14 cumstances, or by reason of being pro-
15 duced by the taxpayer exclusively for the
16 purposes of transferring the food to an or-
17 ganization described in subparagraph (A),
18 the fair market value of such contribution
19 shall be determined—

20 “(I) without regard to such inter-
21 nal standards, such lack of market,
22 such circumstances, or such exclusive
23 purpose, and

24 “(II) by taking into account the
25 price at which the same or substan-

1 tially the same food items (as to both
2 type and quality) are sold by the tax-
3 payer at the time of the contribution
4 (or, if not so sold at such time, in the
5 recent past).”.

6 (e) EFFECTIVE DATE.—

7 (1) IN GENERAL.—Except as otherwise pro-
8 vided in this subsection, the amendments made by
9 this section shall apply to contributions made after
10 the date of the enactment of this Act, in taxable
11 years ending after such date.

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

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

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

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

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

3 (a) IN GENERAL.—

4 (1) INDIVIDUALS.—Subparagraph (E) of sec-
5 tion 170(b)(1) of the Internal Revenue Code of 1986
6 (relating to contributions of qualified conservation
7 contributions) is amended by striking clause (vi).

8 (2) CORPORATIONS.—Subparagraph (B) of sec-
9 tion 170(b)(2) of such Code (relating to qualified
10 conservation contributions) is amended by striking
11 clause (iii).

12 (b) CONTRIBUTIONS OF CAPITAL GAIN REAL PROP-
13 erty MADE FOR CONSERVATION PURPOSES BY NATIVE
14 CORPORATIONS.—

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

19 “(C) QUALIFIED CONSERVATION CON-
20 TRIBUTIONS BY CERTAIN NATIVE CORPORA-
21 TIONS.—

22 “(i) IN GENERAL.—Any qualified con-
23 servation contribution (as defined in sub-
24 section (h)(1)) which—

25 “(I) is made by a Native Cor-
26 poration, and

1 “(II) is a contribution of prop-
2 erty which was land conveyed under
3 the Alaska Native Claims Settlement
4 Act,
5 shall be allowed to the extent that the ag-
6 gregate amount of such contributions does
7 not exceed the excess of the taxpayer’s tax-
8 able income over the amount of charitable
9 contributions allowable under subpara-
10 graph (A).

11 “(ii) CARRYOVER.—If the aggregate
12 amount of contributions described in clause
13 (i) exceeds the limitation of clause (i), such
14 excess shall be treated (in a manner con-
15 sistent with the rules of subsection (d)(2))
16 as a charitable contribution to which clause
17 (i) applies in each of the 15 succeeding
18 taxable years in order of time.

19 “(iii) NATIVE CORPORATION.—For
20 purposes of this subparagraph, the term
21 ‘Native Corporation’ has the meaning
22 given such term by section 3(m) of the
23 Alaska Native Claims Settlement Act.”.

24 (2) CONFORMING AMENDMENTS.—

1 (A) Section 170(b)(2)(A) of such Code is
2 amended by striking “subparagraph (B) ap-
3 plies” and inserting “subparagraph (B) or (C)
4 applies”.

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

8 (3) VALID EXISTING RIGHTS PRESERVED.—
9 Nothing in this subsection (or any amendment made
10 by this subsection) shall be construed to modify the
11 existing property rights validly conveyed to Native
12 Corporations (within the meaning of section 3(m) of
13 the Alaska Native Claims Settlement Act) under
14 such Act.

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

18 **SEC. 5. MODIFICATION OF THE TAX RATE FOR THE EXCISE**
19 **TAX ON INVESTMENT INCOME OF PRIVATE**
20 **FOUNDATIONS.**

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

24 (b) ELIMINATION OF REDUCED TAX WHERE FOUN-
25 DATION MEETS CERTAIN DISTRIBUTION REQUIRE-

1 MENTS.—Section 4940 of such Code is amended by strik-
2 ing subsection (e).

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

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

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

