

106TH CONGRESS
1ST SESSION

S. 435

To amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to waive the contemporaneous substantiation requirement for deduction of charitable contributions in certain cases.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 1999

Mr. ENZI (for himself and Mr. THOMAS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to waive the contemporaneous substantiation requirement for deduction of charitable contributions in certain cases.

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 “Equity in Charitable
5 Giving Act”.

1 **SEC. 2. SUBSTANTIATION OF CHARITABLE CONTRIBU-**
 2 **TIONS.**

3 (a) IN GENERAL.—Section 170(f)(8) is amended by
 4 redesignating subparagraph (E) as subparagraph (F) and
 5 by adding after subparagraph (D) the following new sub-
 6 paragraph:

7 “(E) WAIVER OF CONTEMPORANEOUS RE-
 8 QUIREMENT.—The requirement under subpara-
 9 graph (A) that a written acknowledgment be
 10 contemporaneous shall not apply if—

11 “(i) the taxpayer receives the written
 12 acknowledgment before the expiration of
 13 the period for assessing tax for the taxable
 14 year, and

15 “(ii) the taxpayer establishes to the
 16 satisfaction of the Secretary that no goods
 17 or services were received in exchange for
 18 such contribution.”

19 “(b) EFFECTIVE DATE.—The amendments made by
 20 this section shall apply to contributions made on or after
 21 January 1, 1994.

22 “(c) TERMINATION.—This subparagraph shall not
 23 apply to contributions made after the date on which the
 24 Secretary issues the regulations prescribed in subpara-
 25 graph (8)(F) (i.e., regulations providing that some or all

1 of the requirements of paragraph (8) do not apply in ap-
2 propriate cases).

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