

111TH CONGRESS
2D SESSION

S. 2937

To provide a temporary suspension of limitation on charitable contributions and to amend the Internal Revenue Code of 1986 to extend the enhanced charitable deduction for contributions of food inventory.

IN THE SENATE OF THE UNITED STATES

JANUARY 20, 2010

Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. NELSON of Florida, Mr. LEMIEUX, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide a temporary suspension of limitation on charitable contributions and to amend the Internal Revenue Code of 1986 to extend the enhanced 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,*

3 **SECTION 1. TEMPORARY SUSPENSION OF LIMITATIONS ON**
4 **CHARITABLE CONTRIBUTIONS.**

5 (a) IN GENERAL.—Except as otherwise provided in
6 subsection (b), section 170(b) of the Internal Revenue
7 Code of 1986 shall not apply to qualified contributions and
8 such contributions shall not be taken into account for pur-

1 poses of applying subsections (b) and (d) of section 170
2 of such Code to other contributions.

3 (b) TREATMENT OF EXCESS CONTRIBUTIONS.—For
4 purposes of section 170 of such Code—

5 (1) INDIVIDUALS.—In the case of an indi-
6 vidual—

7 (A) LIMITATION.—Any qualified contribu-
8 tion shall be allowed only to the extent that the
9 aggregate of such contributions does not exceed
10 the excess of the taxpayer's contribution base
11 (as defined in subparagraph (F) of section
12 170(b)(1) of such Code) over the amount of all
13 other charitable contributions allowed under
14 such section 170(b)(1).

15 (B) CARRYOVER.—If the aggregate
16 amount of qualified contributions made in the
17 contribution year (within the meaning of section
18 170(d)(1) of such Code) exceeds the limitation
19 of subparagraph (A), such excess shall be added
20 to the excess described in the portion of sub-
21 paragraph (A) of such section which precedes
22 clause (i) thereof for purposes of applying such
23 section.

24 (2) CORPORATIONS.—In the case of a corpora-
25 tion—

1 (A) LIMITATION.—Any qualified contribu-
 2 tion shall be allowed only to the extent that the
 3 aggregate of such contributions does not exceed
 4 the excess of the taxpayer’s taxable income (as
 5 determined under paragraph (2) of section
 6 170(b) of such Code) over the amount of all
 7 other charitable contributions allowed under
 8 such paragraph.

9 (B) CARRYOVER.—Rules similar to the
 10 rules of paragraph (1)(B) shall apply for pur-
 11 poses of this paragraph.

12 (c) EXCEPTION TO OVERALL LIMITATION ON
 13 ITEMIZED DEDUCTIONS.—So much of any deduction al-
 14 lowed under section 170 of such Code as does not exceed
 15 the qualified contributions paid during the taxable year
 16 shall not be treated as an itemized deduction for purposes
 17 of section 68 of such Code.

18 (d) QUALIFIED CONTRIBUTIONS.—

19 (1) IN GENERAL.—For purposes of this section,
 20 the term “qualified contribution” means any chari-
 21 table contribution (as defined in section 170(c) of
 22 such Code) if such contribution is—

23 (A) for relief efforts related to the earth-
 24 quake in Haiti occurring on January 12, 2010,

1 (B) paid in cash during 2010 to an organi-
2 zation described in section 170(b)(1)(A) of such
3 Code (other than an organization described in
4 section 509(a)(3) of such Code), and

5 (C) a contribution with respect to which
6 the taxpayer has elected the application of this
7 section.

8 (2) EXCEPTION.—Such term shall not include a
9 contribution if the contribution is for establishment
10 of a new, or maintenance in an existing, segregated
11 fund or account with respect to which the donor (or
12 any person appointed or designated by such donor)
13 has, or reasonably expects to have, advisory privi-
14 leges with respect to distributions or investments by
15 reason of the donor's status as a donor.

16 (3) APPLICATION OF ELECTION TO PARTNER-
17 SHIPS AND S CORPORATIONS.—In the case of a part-
18 nership or S corporation, the election under para-
19 graph (1)(C) shall be made separately by each part-
20 ner or shareholder.

1 **SEC. 2. EXTENSION OF ENHANCED CHARITABLE DEDUC-**
2 **TION FOR CONTRIBUTIONS OF FOOD INVEN-**
3 **TORY.**

4 (a) IN GENERAL.—Clause (iv) of section
5 170(e)(3)(C) is amended by striking “December 31,
6 2009” and inserting “December 31, 2010”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 this section shall apply to contributions made after De-
9 cember 31, 2009.

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